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**Disloyalty and Destruction:  
Religion and Politics in Deuteronomy and the Modern World**

Submitted for the Degree of Doctor of Philosophy

Department of Theology and Religion

Durham University

2007

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Robert Carl Barrett

17 OCT 2007



**Disloyalty and Destruction:  
Religion and Politics in Deuteronomy and the Modern World**

Robert Carl Barrett

Abstract

Divine violence in the Old Testament is troubling for many modern Western readers. I explore a heuristic reading strategy for understanding YHWH's demand for Israel's exclusive loyalty and concomitant threats of destruction in canonical Deuteronomy through a structural analogy with demands and threats by the modern nation-state. The possibility of an analogy between "religious" and "political" categories follows from the relatively recent modern separation of these spheres, the sociology of functional and political religions, and the relationship between Deuteronomy and ANE political treaties.

I survey the primacy of YHWH's loyalty demand in the first commandment and the dynamic of disloyalty, anger, and destruction in Deuteronomy. I then consider particular passages in light of the modern nation-state. The golden calf remembrance of Deut. 9-10 illustrates the gravity of and consequences for disloyalty. The pattern of disloyalty, destruction, and restoration in Deut. 4 and 32 reveals a theocentric coercion of Israel that can be compared with the modern imposition of liberal democracy. Concern for the growth of disloyalty from individuals to the nation in Deut. 13 is comparable with modern escalating response to state threats from police to military action. I compare the horrors of destruction threatened in Deut. 28 with the dreadful consequences of modern warfare used to compel national will.

Finally, I consider the idea of "other gods"—those who lure Israel to disloyalty—in the canonical histories beyond Deuteronomy. I argue for a correlation between serving "other gods" and concentrating political power. I find a dis-analogy here where the modern nation-state seems less in line with YHWH than with the "other gods." Though analogous in their demands and threats, YHWH and the modern nation-state protect societies that differ in important ways.

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# Acknowledgments

After hearing so much about Walter Moberly's exemplary scholarship, faith, and gentlemanly manner, it has been my privilege to experience them all as his student. He has provided invaluable encouragement and guidance while leaving me to wrestle through the necessary difficulties of study on my own. His incisive comments have improved every aspect of this dissertation, limited only by my ability to absorb and use them. My thanks go to Iain Provan and Allen Doerksen for first suggesting I study with Walter.

I have learned much from my fellow postgraduates at Durham, in both formal and less formal settings. In particular, Joel Lohr has contributed invaluable, from logistical help before we arrived, through conversation and language study together, friendship through different phases of life, and blazing a trail of doctoral success for me to attempt to follow. I have been regularly enriched by meetings with fellow Moberlians to discuss matters of faith and scholarship. Some additional noteworthy conversation partners who have helped me think through this topic have been Kristian Bendoraitis, Douglas Earl, Anthony Le Donne, Ryan Murphy, Hector Patmore, Dean Pinter, Matthew Scott, and Ben Wold.

I thank the House-to-House home group for adopting us in from the week we arrived in Durham and for courageously befriending many students who encamp in their midst before moving on to whatever comes next.

My parents have supported my every varied endeavor over the years. Being believed in is a powerful thing and I will always be grateful for their confident love.

Finally, Crystal, my partner in every adventure, has provided a wonderful home for us during these years in England, a rich place of happiness, conversation, games, great food, and hospitality, as well as study. Her commitment to me and the fullness of life beyond work is foundational. Our daughter Ellie has been a source of delight and happy diversion throughout. Although I must take responsibility for the errors remaining in this dissertation, undoubtedly some result from Ellie sitting on my lap and playing with "Daddy's buttons, books, and mouse."

# Abbreviations

AB	Anchor Bible
ABD	<i>Anchor Bible Dictionary</i> . 6 Volumes. Edited by David Noel Freedman. New York: Doubleday, 1992
AbOTC	Abingdon Old Testament Commentaries
AnBib	Analecta Biblica
ANE	ancient Near East(ern)
ANET	<i>Ancient Near Eastern Texts Relating to the Old Testament</i> . Edited by James Pritchard. 3rd ed. Princeton: Princeton University Press, 1969
ApOTC	Apollos Old Testament Commentary
ATJ	<i>Ashland Theological Journal</i>
BASOR	<i>Bulletin of the American Schools of Oriental Research</i>
BCBC	Believers Church Bible Commentary
B.C.E.	Before the Common Era
BDB	Brown, Francis, S. R. Driver and Charles A. Briggs. <i>The Brown-Driver-Briggs Hebrew and English Lexicon</i> . Peabody, Mass.: Hendrickson, 1999
BETL	Bibliotheca ephemeridum theologiarum Iovaniensium
BHS	<i>Biblia Hebraica Stuttgartensia</i> . Edited by K. Elliger and W. Rudolph. Stuttgart, 1983
<i>BibInt</i>	<i>Biblical Interpretation</i>
BibOr	Biblica et orientalia
BLS	Bible and Literature Series
BZAW	Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft
CBQ	<i>Catholic Biblical Quarterly</i>
<i>ChrCent</i>	<i>Christian Century</i>

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CSCD	Cambridge Studies in Christian Doctrine
CUP	Cambridge University Press
Eth.	Ethiopic
<i>ExAud</i>	<i>Ex Auditu</i>
FAT	Forschungen zum Alten Testament
FMSS	Foundations of Modern Sociology Series
FRLANT	Forschungen zur Religion und Literatur des Alten und Neuen Testaments
GKC	Gesenius. <i>Gesenius' Hebrew Grammar</i> . Edited by E. Kautzsch. Translated by A. E. Cowley. Mineola, N.Y.: Dover, 2006
<i>HALOT</i>	Koehler, L., W. Baumgartner, and J. J. Stamm, <i>The Hebrew and Aramaic Lexicon of the Old Testament</i> . Translated and edited by M.E.J. Richardson. 4 vols. Leiden: Brill, 1994–1999
<i>HTR</i>	<i>Harvard Theological Review</i>
IBC	Interpretation: A Bible Commentary for Teaching and Preaching
ICC	International Critical Commentary
<i>IEJ</i>	<i>Israel Exploration Journal</i>
<i>Int</i>	<i>Interpretation</i>
IRFA	International Religious Freedom Act of 1998
<i>JBL</i>	<i>Journal of Biblical Literature</i>
JBLMS	Journal of Biblical Literature Monograph Series
JPS	Jewish Publication Society
JPSTC	Jewish Publication Society Torah Commentary
<i>JQR</i>	<i>Jewish Quarterly Review</i>
<i>JSOT</i>	<i>Journal for the Study of the Old Testament</i>
JSOTSup	Journal for the Study of the Old Testament Supplement Series
KJV	King James Version
<i>Lev. R.</i>	<i>Leviticus Rabbah</i>
LXX	Septuagint
MNTC	Moffatt New Testament Commentary
MT	Masoretic Text

---

NASB	New American Standard Bible
NCB	New Century Bible Commentary
NIBC	New International Biblical Commentary
NICOT	New International Commentary on the Old Testament
NIV	New International Version (Bible)
N.P.	No Pages
NRSV	New Revised Standard Version (Bible)
NT	New Testament
OBO	Orbis Biblicus et Orientalis
OBT	Overtures to Biblical Theology
<i>OED</i>	<i>Oxford English Dictionary</i>
OIE	Oriental Institute Essay
OPT	Oxford Political Theory
OT	Old Testament
OTG	Old Testament Guides
OTL	Old Testament Library
OTM	Oxford Theological Monographs
OtSt	Oudtestamentische Studiën
OUP	Oxford University Press
POS	Pretoria Oriental Series
PsyRS	Psychology, Religion, and Spirituality
Sam.	Samaritan Pentateuch
SBL	Society of Biblical Literature
SBLDS	Society of Biblical Literature Dissertation Series
SBLMS	Society of Biblical Literature Monograph Series
SBT	Studies in Biblical Theology
SemeiaSt	Semeia Studies
SFSHJ	South Florida Studies in the History of Judaism
SGV	Sammlung gemeinverständlicher Vorträge und Schriften aus dem Gebiet der Theologie und Religionsgeschichte

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SHBC	Smyth & Helwys Bible Commentary
SOTBT	Studies in Old Testament Biblical Theology
SPOT	Studies on Personalities of the Old Testament
StudBT	Studia Biblica et Theologica
Syr.	Syriac
TB	Theologische Bücherei
<i>Tg. Jon.</i>	Targum Jonathan. <i>The Bible in Aramaic: Based on Old Manuscripts and Printed Texts</i> . Vol. 2, "The Former Prophets According to Targum Jonathan." Leiden: Brill, 1959
<i>TLOT</i>	<i>Theological Lexicon of the Old Testament</i>
TNIV	Today's New International Version (Bible)
<i>TWOT</i>	<i>Theological Wordbook of the Old Testament</i>
UDHR	Universal Declaration of Human Rights
<i>VT</i>	<i>Vetus Testamentum</i>
<i>VTE</i>	<i>Vassal Treaties of Esarhaddon</i>
Vulg.	Vulgate
WeBC	Westminster Bible Companion
<i>ZAW</i>	<i>Zeitschrift für die alttestamentliche Wissenschaft</i>

*Take your Bible and take your newspaper, and read both. But interpret newspapers from your Bible.... A theologian should never be formed by the world around him.*

– Karl Barth<sup>1</sup>

## Chapter 1

# YHWH's Violence: The Problem and Approaches

Many modern readers recoil at the presence, degree, and justification of violence in the OT.<sup>2</sup> When God kills, destroys, and uses threats as coercive tools, the problem is not just the violence itself but the fact that it is *God* who is violent<sup>3</sup> and who inspires human violence that can seem unrestrained by ordinary ethical considerations. Commentators routinely condemn divine violence in the OT as merciless, cruel, savage, abusive, immoral, and irrational.<sup>4</sup> Can the OT survive as an authoritative text—or even as a publicly available text—with its powerful and difficult depictions of God?

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<sup>1</sup> Karl Barth, “Barth in Retirement,” *Time* (31 May 1963), n.p. Cited 19 Apr 2007. Online: <http://www.time.com/time/magazine/article/0,9171,896838,00.html>. While I am inspired by Barth’s words, it remains necessary to recognize that I am already formed by the world around me before I pick up a Bible.

<sup>2</sup> I use the term “Old Testament” without implying any criticism of the importance of the same texts within Judaism, but as an explicit acknowledgment of their scriptural role within the Christian tradition, which inevitably influences my readings. Cf. R.W.L. Moberly, “‘Old Testament’ and ‘New Testament’: The Propriety of the Terms for Christian Theology,” in *From Eden to Golgotha: Essays in Biblical Theology* (SFSHJ 52; Atlanta: Scholars, 1992), 135-40.

<sup>3</sup> On terminology, both biblical and modern, for violence, cf. §2.3.2.

<sup>4</sup> E.g. Robert P. Carroll, *Wolf in the Sheepfold: The Bible as Problematic for Theology* (London: SCM, 1997), 39; Walter Brueggemann, *Theology of the Old Testament: Testimony, Dispute, Advocacy* (Minneapolis: Augsburg Fortress, 1997), 359; Guy P. Harrison, “Where Are the Moral Believers?” *Free Inquiry* 25, no. 1 (Dec. 2005), n.p. Cited 2 May 2006. Online: [http://www.secularhumanism.org/index.php?section=library&page=harrison\\_25\\_1](http://www.secularhumanism.org/index.php?section=library&page=harrison_25_1); Paul Volz, *Das Dämonische in Jahwe: Vortrag auf dem Alttestamentlertag in München* (SGV 110; Tübingen: J.C.B. Mohr, 1924). Volz describes YHWH as “‘dämonisch’... in dem beschränkteren Sinn des Unheimlichen, Grauensvollen, Verderblichen, Grausamen, Feindlichen und fast Satanischen” [‘demonic’...in the more limited sense of sinister, horrible, deadly, cruel, hostile, and nearly satanic, p.4].



## 1.1 INTERPRETIVE APPROACHES

Interpreters use a number of strategies to maintain some validity for this problematic text. I consider some representative approaches under three headings: selective readings that downplay the most difficult texts, descriptive readings that maintain an objective distance from the problems, and unsympathetic readings that condemn what is read.

### 1.1.1 SELECTIVE READING: OUT WITH THE BAD

René Girard proposes a comprehensive theory of human violence based on mimetic desire leading to mimetic rivalry, crisis, and violent resolution of the crisis. The resolution occurs through sacrifice of a selected scapegoat. The participants in the sacrifice then create myths that embody distorted illusions that sacralize the victim. In his terms, “myths are the retrospective transfiguration of sacrificial crises, the reinterpretation of these crises in the light of the cultural order that has arisen from them.”<sup>5</sup> As Stirling summarizes it, “The gods of archaic religion, of mythology, are simply divinized human scapegoats. Human culture is steeped in the false gods of its own creation, steeped in idolatry.”<sup>6</sup> The Bible, however, exposes the lie. “The Bible, in fact, is the very opposite of myth. It represents a force of revelation from God whose purpose is to bring an end to all mythology.”<sup>7</sup> The Bible does this by revealing both the scapegoat mechanism and the true, non-violent, loving deity.

But does the Bible not also depict a violent deity? Girard understands the Bible’s revelation to be contaminated with myths that falsely attribute violence to YHWH: “In certain biblical texts, particularly in the historical books, there are residues of sacred violence, but these are vestiges without a future.” “In the Old Testament we never arrive at a conception of the deity that is entirely foreign to violence. . . . Only the texts of the Gospels manage to achieve what the Old Testament leaves incomplete.”<sup>8</sup> For Girard, divine violence is itself a prime discriminator between myth (in his terms) and revelation, so he methodologically removes divine violence from the revelatory text. Texts of divine violence obscure reality rather than reveal YHWH. Boersma concludes,

<sup>5</sup> René Girard, *Violence and the Sacred* (trans. Patrick Gregory; Baltimore: Johns Hopkins University Press, 1977), 64.

<sup>6</sup> Mack C. Stirling, “Violent Religion: Rene Girard’s Theory of Culture,” in *The Destructive Power of Religion: Violence in Judaism, Christianity, and Islam* (ed. J. Harold Ellens; PsyRS; Westport: Praeger, 2004), 33-4.

<sup>7</sup> Stirling, “Violent,” 36 (cf. René Girard, *The Scapegoat* [trans. Yvonne Freccero; London: Athlone, 1986], 100-1).

<sup>8</sup> René Girard, *Things Hidden Since the Foundation of the World* (trans. Stephen Bann and Michael Metteer; Stanford: Stanford University Press, 1987), 157-8.

“Girard turns the nonviolence of the cross into the ultimate hermeneutical key and rejects anything that doesn't seem to fit this hermeneutic....”<sup>9</sup>

Peter Craigie struggles at length and in depth with the problem of war in the OT. His struggle is a personal one, being a Christian who served in the armed forces. His experience of war results in his immovable stance that “war is never less than unmitigated evil and its frequent mention in the Old Testament does not elevate its character.”<sup>10</sup> In response to YHWH's participation in this evil activity, Craigie concludes that YHWH's commitment to engagement with humanity requires his guiltless involvement with human evil: “War is a form of evil human activity in which God participates actively for the purposes of both redemption and judgment.”<sup>11</sup> Thus, YHWH's involvement in human warfare neither lowers YHWH to its level nor raises the evil of war to his level.

Craigie's insights are helpful and important, yet his depiction of YHWH as morally removed yet actively involved rings somewhat hollow. Where is YHWH's heart? How does he maintain moral distance while participating actively in evil? Craigie reads selectively by avoiding texts where YHWH reveals himself in his own words. YHWH declares, “I will harden Pharaoh's heart, and he will pursue [Israel], so that I will gain glory for myself over Pharaoh and all his army; and the Egyptians shall know that I am the LORD” (Exod. 14:4).<sup>12</sup> YHWH claims to reveal something of his true self in the destruction of the Egyptian army, which is not clearly described by “participation” in human evil.

Thomas Mann's commentary on Deuteronomy reflects a different sort of selective reading of the text. He acknowledges the historical distance between himself and the biblical authors but seeks engagement despite fundamentally different worldviews. For example, he believes that ancient Israelites understood God to control the forces of nature for reward and punishment, inextricably linking the experience of nature and divine action. The worldview of Deuteronomy attests that “the provision of rain is a sign of God's blessing, while the withholding of rain is a sign of God's curse (11:10-17; 28:12a, 23-24; see 7:13; 8:7).”<sup>13</sup> He believes that modern readers find this worldview unacceptable: “most of us do not understand rain this way.... Most of us would not consider drought as a direct divine punishment for human wrongdoing. We

<sup>9</sup> Hans Boersma, *Violence, Hospitality, and the Cross: Reappropriating the Atonement Tradition* (Grand Rapids: Baker Academic, 2004), 141.

<sup>10</sup> Peter C. Craigie, *The Problem of War in the Old Testament* (Grand Rapids: Eerdmans, 1978), 54.

<sup>11</sup> Craigie, *Problem*, 43.

<sup>12</sup> All Bible quotations are taken from the NRSV unless otherwise noted.

<sup>13</sup> Thomas W. Mann, *Deuteronomy* (WeBC; Lexington, Kentucky: Westminster John Knox, 1995), 149.

would also not think of human illnesses, plant or crop diseases, insect infestations (Amos 7:1-3), or earthquakes (Num. 16:29-34) as expressions of divine curse."<sup>14</sup> In this way, Mann eliminates YHWH's claims of responsibility for these curses as impossible within a modern worldview. So how can the curses of Deut.28 be understood by modern readers? Mann focuses on the example of racism in America and finds similarities to Deuteronomy in that sinful actions by slaveholders have led to an ongoing curse. Only self-criticism and corrective response can lift the curse. Mann's omission of YHWH's personal role in responding to sin displays a selective reading of the text of Deuteronomy he seeks to explain.

Somewhat similar to Mann, Klaus Koch finds God innocent of inflicting harm on people for their evil deeds by a selective reading strategy that eliminates his culpability. He published an influential and controversial article in 1955 that questioned whether the traditional idea of retribution exists in the OT.<sup>15</sup> His study focuses on Proverbs, Hosea, and Psalms but he sees his conclusion as being general to the entire OT. He argues that the OT presents good and bad consequences as built-in to the original deeds of humans, growing out of them as naturally as fruit from seeds. If YHWH is involved at all, it is as a midwife who catalyzes (or sometimes initiates) the process rather than as an external judge. He defines retribution as involving the assessment of an action by a higher authority, followed by the meting out of a response, imposed from the outside, and according to a previously established norm. Though such retribution might appear to be present on the surface of various OT texts, his conclusion is that no such retribution appears in the OT.

Although anecdotal, I would be remiss to omit mention of selectivity in liturgical use of the Bible that diminishes the problem of YHWH's destructive force. During this study, I heard a lector announce a reading of Ps.95:1-7b. Curious about the mid-verse termination of the reading, I read the deleted ending of the psalm. While the first verses rejoice in YHWH, "the rock of our salvation," "King above all gods," "our Maker," and the one to whom we are called to "worship and bow down," the elided ending contains an ominous warning: "Do not harden your hearts, as at Meribah" for those unfortunate ones YHWH "loathed" and about them "in my anger I swore, 'They shall not enter my

<sup>14</sup> Mann, *Deuteronomy*, 149.

<sup>15</sup> Klaus Koch, "Is There a Doctrine of Retribution in the Old Testament?" in *Theodicy in the Old Testament* (ed. James L. Crenshaw; Philadelphia: Fortress, 1983), 57-87. For critiques of Koch and a fuller account of YHWH's role in responding to human deeds of good and evil, cf. John G. Gammie, "The Theology of Retribution in the Book of Deuteronomy," *CBQ* 32:1 (1970): 1-12; Patrick D. Miller, *Sin and Judgment in the Prophets: A Stylistic and Theological Analysis* (SBLMS 27; Chico, Calif.: Scholars, 1982), 121-39. A similar debate in NT studies has revolved around the "wrath of God" in Rom. 1:18-32, with Dodd arguing that such describes not God's attitude towards humanity but "an inevitable process of cause and effect in a moral universe" (C. H. Dodd, *The Epistle of Paul to the Romans* [MNTC; London: Collins, 1959], 49).

rest.” One of the more striking examples from the previous generation’s praise choruses is the celebration: “The steadfast love of the LORD never ceases / His mercies never come to an end. / They are new every morning. / Great is Thy faithfulness, O LORD.”<sup>16</sup> Surely few singers of this encouraging chorus realize the context of the quoted Lam.3:22-23 is the horrifying destruction of Jerusalem at the hands of the Babylonians, which is ascribed to YHWH. No competent exegete could omit the tragic context in an explanation of the poet’s hope in YHWH, yet deep-seated discomfort with the “darker” side of YHWH overrides honest reading in many faith settings.<sup>17</sup>

### 1.1.2 DESCRIPTION WITHOUT ENGAGEMENT

Tremper Longman and Daniel Reid trace the “divine warrior” theme through the Bible in *God is a Warrior*. Despite the series editor’s assertion, “Gone are the days when scholars, especially those who work in a field [sic] as ideologically sensitive as theology, can claim neutrality by hiding behind some kind of scientific methodology,”<sup>18</sup> the authors succeed in producing distanced reportage. Despite the unsettling violence and bloodshed they describe, Longman and Reid studiously avoid any engagement with the subject matter and focus only on description. Israel’s holy war is detailed in step-by-step manner through seeking God’s will, spiritual preparation, ritual cleanness, numbers and weapons technology, the march, the ark, the combatants, and the post-battle praise.<sup>19</sup> The actual messy battle is strongly underplayed. When YHWH turns his destructive purposes against Israel herself, the dispassionate description continues: As God left the temple in Ezekiel, “he gave orders that led to the destruction of those among his people who had not obeyed him.”<sup>20</sup> Lamentations is termed a “poignant grief psalm” that sees “divine hostility.” The authors comment, “The Exile is the culmination and most fearsome expression of what might be called ‘reverse holy war.’ God wars against his own people to punish them for their disobedience.”<sup>21</sup>

While Longman and Reid’s detailed and broad study has much to commend it, its objectifying distance from the subject matter raises questions about whether it

<sup>16</sup> Robert Davidson, “The Steadfast Love of the Lord,” in *Come Celebrate!* (Aliquippa, Penn.: Community of Celebration, 1974), 125.

<sup>17</sup> Nelson-Pallmeyer seeks to offer nonviolent Christian worship resources: “I realized that the biblical writers (and therefore the Bible itself) are often wrong about God and that we must sift through competing images of God and Jesus in light of our own religious experiences” (Jack Nelson-Pallmeyer and Bret Hesla, *Worship in the Spirit of Jesus: Theology, Liturgy, and Songs Without Violence* [Cleveland: Pilgrim, 2005], 11).

<sup>18</sup> Willem A. VanGemeren, Preface to Series in *God Is a Warrior*, by Tremper Longman III and Daniel G. Reid (SOTBT; Grand Rapids: Zondervan, 1995), 7-8.

<sup>19</sup> Tremper Longman III and Daniel G. Reid, *God Is a Warrior* (SOTBT; Grand Rapids: Zondervan, 1995), 33-47.

<sup>20</sup> Longman and Reid, *Warrior*, 53.

<sup>21</sup> Longman and Reid, *Warrior*, 55.

actually achieves true theological understanding.<sup>22</sup> In his review of this monograph, Moberly cautions,

There is a danger of making the Bible rather like “heritage”—attractively packaged, clearly explained, a good place for an outing (in the car, or in the mind)—but something which is so different from the world that one usually inhabits that one may be tempted to leave it behind....<sup>23</sup>

David Clines is quick to condemn objective descriptions of biblical texts that do not challenge what is found:

[It is] awful to ascribe the destruction of a state and the forceable [*sic*] deportation of its citizens to an avenging God. If that is how a believer finds himself or herself impelled to conclude, that it is a terrible thing to fall into the hands of the living God, the metacommentator [i.e. Clines himself] can respect that. But to affirm it casually, to pretend that it is unproblematic—that is not scholarly, it is not even human.<sup>24</sup>

Clines does not (here) insist on a particular response to theocentric explanations of the exile, but rejects endeavors at description alone.

Since methodological objectivity is a common goal within biblical studies, no further examples need be presented here. I do not in any way reject the value of descriptive work—indeed, the present project is largely descriptive; however, such can only be a starting point in a theological enterprise.

### 1.1.3 ENGAGEMENT WITHOUT SYMPATHY

In his SBL presidential address, John Collins considers and rejects reading strategies that downplay problematically violent biblical texts either through allegorical interpretation or by selectively relativizing the offensive portions. He finds the former approach lacking in credibility when the undeniable surface meaning of the texts is violent. He finds the latter approach insufficient to de-center what he sees as the powerful biblical endorsements of violence.<sup>25</sup> He recommends, therefore, that the Bible be divested of authority and understood to be of only qualified value for discerning the

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<sup>22</sup> Clines differentiates between “understanding” as a limited project of re-creating the text’s original meaning and “critique,” which he sees as an ethically necessary confrontation between the text’s values and the reader’s own. He warns that resisting such critique leads to thoughtless adoption of the text’s own ideology as “obvious and natural and commonsensical” (David J. A. Clines, “The Ideology of Writers and Readers of the Hebrew Bible,” in *Interested Parties: The Ideology of Writers and Readers of the Hebrew Bible* [JSOTSup 205; Sheffield: Sheffield Academic, 1995], 18-21). I use “understanding” in a broader sense that at least touches on Clines’ idea of “critique.”

<sup>23</sup> R.W.L. Moberly, review of Walter C. Kaiser Jr., Jeffrey J. Niehaus, Tremper Longman III, Daniel G. Reid and Michael L. Brown, *Studies in Old Testament Biblical Theology*, *ATJ* 29 (1997): 127.

<sup>24</sup> David J. A. Clines, “Metacommentating Amos,” in *Interested Parties: The Ideology of Writers and Readers of the Hebrew Bible* (JSOTSup 205; Sheffield: Sheffield Academic, 1995), 92.

<sup>25</sup> John J. Collins, “The Zeal of Phinehas: The Bible and the Legitimation of Violence,” *JBL* 122:1 (2003): 19-20.

wisdom or will of God.<sup>26</sup> Collins concludes with a warning against deriving human certitude from the Bible. While agreeing that certitude is unavailable to any fallible biblical interpreter and sympathetic to the difficulties—indeed, historical horrors—that Collins cites, his contention that the Bible is predominantly revelatory of human ideology<sup>27</sup> rather than of divine being is certainly an approach that lacks sympathy with the text's own claims. Sympathy may indeed be impossible for some at the end of the day, but the present work is based on presuming further progress in sympathetic understanding can be made.

In his *Theology of the Old Testament*, Walter Brueggemann uses a courtroom metaphor to structure Israel's various "testimonies" about YHWH in her<sup>28</sup> canonical writings. Within this metaphor, Israel offers a core testimony about the goodness, sovereignty, and faithfulness of YHWH. But even within this core, Brueggemann observes a tension between sovereign self-regard and faithfulness to Israel.<sup>29</sup> When he turns to Israel's "countertestimony," he discovers a darker side to YHWH, one filled with, among other things, abusiveness, deception, forgetfulness, unreliability, and violence.<sup>30</sup> Brueggemann's lack of sympathy with YHWH surfaces in many ways, not the least of which is a certain inclination to misread texts to put YHWH in a negative light.<sup>31</sup> While acknowledging YHWH's rightful use of violence for the enforcement of sovereignty, Brueggemann sees YHWH going far beyond any justifiable violence and displaying "a profound irrationality." By focusing on the marital metaphor, Brueggemann characterizes YHWH as "the authoritarian husband," with Israel playing the part of "the easily blamed, readily dismissed, vulnerable wife."<sup>32</sup> While Brueggemann is dealing with undoubtedly problematic texts, he insists on reading an ancient marital metaphor through modern eyes with the goal of producing "countertestimony." He correctly finds intolerance and violence in the canonical text's portrayal of YHWH, but he assumes that these features are evil and leaves the modern reader with a God explainable only by appeals to irrationality or even schizophrenia. Despite much that is praiseworthy in his work, Brueggemann tends to exaggeration with statements such as this: "Any departure of Israel from singular obedience to Yahweh

<sup>26</sup> Collins, "Phinehas," 20.

<sup>27</sup> Collins, "Phinehas," 11.

<sup>28</sup> In deference to English convention, I use the feminine singular pronoun to refer to Israel, despite the Hebrew convention of using the masculine.

<sup>29</sup> Brueggemann, *Theology*, 307-11.

<sup>30</sup> Brueggemann, *Theology*, 359-85.

<sup>31</sup> A particularly striking example is his reading of 1 Kgs. 22 (Brueggemann, *Theology*, 360-1); cf. R.W.L. Moberly, "Does God Lie to His Prophets? The Story of Micaiah ben Imlah As a Test Case," *HTR* 96:1 (2003): 1-23.

<sup>32</sup> Brueggemann, *Theology*, 383.

evokes harsh, destructive response from Yahweh.”<sup>33</sup> He obviously distorts the OT portrayal with such language as “*any* departure” and “*singular* obedience” since YHWH leaves many offenses unpunished.

Expressing a strong lack of sympathy with the biblical text is atheist Guy Harrison’s challenge to the communities that are formed by the Bible, entitled “Where Are the Moral Believers?”<sup>34</sup> He wonders why those who believe in the biblical god do not consider him unworthy of their worship. His expectation is that the well-known moral failings of the Jewish/Christian/Islamic God should lead to him being refused worship, just as that other evil-doer, the devil, is rarely the object of worship. Harrison suggests a few starting points for the moral condemnation of YHWH. Since it is wrong to kill children, his murder of the firstborn in Egypt was evil (cf. Exod.12:29-30). Since children are not responsible for their fathers’ crimes, it is evil to punish them for such (cf. Exod.34:7). He also refers to YHWH’s “genocidal rampages” and wonders about those who “are loyal to a god who has done these things.” His hope is that believers who are rationally convinced of a god’s existence—as inconceivable as that may be—will be willing to take a moral stand and say, “Based on the actions of this god, however, I cannot follow or worship him because I am a decent human being.” Harrison argues that the result of biblical reflection will be moral condemnation of God.

## 1.2 MY SCOPE

Violence in the OT takes many forms. Analysis with substantial depth requires selectivity. Many commentators choose to focus on the depiction of Israel’s destruction of the Canaanites<sup>35</sup> as the parade example of ethically difficult, divinely commanded OT violence. However, this particular subject suffers from at least three difficulties as a starting point for the study of OT violence. First, the plight of the Canaanites only receives marginal focus within the OT. The relationship between Israel and YHWH takes center stage in the OT. Second, the displacement of the Canaanites by Israel is a subject of considerable historical dispute. While historicity is only of limited concern within my reading strategy (cf. §1.3.2 below), and while the textual affirmation of the propriety of their destruction is a difficulty regardless of the historical events behind the depiction, the historical questions are sometimes used to mitigate the ethical problems. Third, the destruction of the Canaanites brings theological, interpretive, and ethical problems together with considerable complexity. YHWH commands the destruction,

<sup>33</sup> Brueggemann, *Theology*, 293.

<sup>34</sup> Harrison, “Where.”

<sup>35</sup> I use this term as shorthand for the peoples Israel is instructed to dispossess in her taking of the land.

which Israel must interpret and implement. The two problems of divine command and human actualization are seriously conflated.

I suggest that it may be more fruitful to begin elsewhere: YHWH's threats against Israel. The problem of OT violence is not diminished here relative to the Canaanite problem and it suffers to a lesser degree from the three problems mentioned. First, the development and maintenance of Israel's relationship with YHWH is a primary focus of the texts of the OT. Further, the text is designed to be "revelatory" to Israel of YHWH's thoughts and actions—insofar as such is possible and desirable. Thus, if progress is to be made in understanding divine violence, the most likely place to begin is in Israel's experience of that violence. Second, although historical questions abound in every aspect of OT study, the historical reality of the destruction of both the northern and southern kingdoms is rarely questioned.<sup>36</sup> Furthermore, a wide variety of OT texts explain their destruction as the result of YHWH's will and at his initiative. The problem of divine violence is a stark reality here in both text and history. Third, while YHWH's destruction of Israel occurs by means of human instruments—the military might of Assyria and Babylon—the OT portrayal is less interested in these instruments than in the relational crisis that results from YHWH's decision to bring destruction upon his people. Thus, the theological problem of divine violence is in the foreground here while the ethical issues of human violence recede (though they do not disappear).

The very centrality within the OT of YHWH's threats against Israel creates the problem of choosing an appropriate range of texts for study. Deuteronomy is both foundational within the OT and self-consciously theological in its reflections on Israel's relationship to YHWH. Its theology is also more subtle and rich than many interpreters' comments would suggest. The canonical importance of Deuteronomy is indicated by, among other things, the wide range of connections scholars have observed between it and the former prophets,<sup>37</sup> the latter prophets,<sup>38</sup> and wisdom literature.<sup>39</sup> YHWH's anger

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<sup>36</sup> For "minimalist" understandings of the Babylonian exile, cf. Lester L. Grabbe, ed. *Leading Captivity Captive: 'The Exile' As History and Ideology* (JSOTSup 278; Sheffield: Sheffield Academic, 1998), 161. Though certain aspects of the historicity of the exile are questioned, the primary concerns of these authors are the continuity of the "returning" with the remaining people and the development of a biblical ideology of exile and return.

<sup>37</sup> Though there is significant retreat from terming Joshua-Kings the "Deuteronomistic History" (cf. Thomas C. Römer, *The So-Called Deuteronomistic History: A Sociological, Historical and Literary Introduction* [London: T&T Clark, 2006]; Thomas C. Römer, ed. *The Future of the Deuteronomistic History* [BETL 147; Leuven: Peeters, 2000]), this is more of an argument against earlier claims of a high degree of editorial coherence than against the important relationship between Deuteronomy and the former prophets.

<sup>38</sup> Ernest W. Nicholson, *Deuteronomy and Tradition* (Oxford: Basil Blackwell, 1967), 122-4. On Deuteronomy and Hosea, cf. Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Clarendon, 1972), 366-70.

<sup>39</sup> Moshe Weinfeld, *Deuteronomy 1-11: A New Translation with Introduction and Commentary* (AB 5; New York: Doubleday, 1991), 62-5; Weinfeld, *Deuteronomic*, 244-81.

and threats of destruction are also strong themes within Deuteronomy, providing a significant number of texts that situate these threats within the larger context of YHWH's relationship with Israel. Lohfink notes, "Und doch tritt schon im Buch Deuteronomium der Israel drohende Zorn Gottes als Thema viel mächtiger hervor als Gottes Liebe zu Israel, so fundamental sie ist und bleibt."<sup>40</sup> Therefore, the focus of this dissertation is YHWH's threats of destruction against Israel in Deuteronomy.

### 1.3 MY APPROACH

#### 1.3.1 ENGAGEMENT, SYMPATHY, AND SELECTIVITY

In contrast to the approaches described above, I seek an engaged and provisionally sympathetic understanding of the primary texts of Deuteronomy related to YHWH's threats of destruction against Israel without selectively suppressing objectionable texts. This goal requires some unpacking and further qualification. My ultimate purpose is engagement with the subject matter of the text: the person of God. Such engagement involves far more than the study of texts and writing of dissertations; however it does affect such work. As a person of faith, my work of biblical interpretation is inseparable from my lived responsiveness to the God revealed in these texts. This engagement is reflected in the present work by an overarching concern that does not stop with the text itself but reaches beyond the text to the person of God and the relationship between him and his people as portrayed in the text. For a non-believing reader, I hope that my work can be read with an imaginative mind that inquires what might be involved with being in relationship with such a God. Harrison's atheistic reading described above is engaged at this imaginative level as he explores the range of responses a believing student of the Bible might have (cf. §1.1.3).

An engaged reading can produce reactions of harmony or discord between the reader and God; more likely is some combination of the two. My approach is to be provisionally sympathetic with YHWH as portrayed in the text. Sympathy is urged by the text itself, which refuses to censure YHWH. Sympathy is also the goal of most

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<sup>40</sup> Translation: "And yet one already finds in the Book of Deuteronomy that the threatening wrath of God against Israel is more powerfully presented than his love for her—this is and remains very fundamental" (Norbert Lohfink, "Der Zorn Gottes und das Exil Beobachtungen am deuteronomistischen Geschichtswerk," in *Liebe und Gebot: Studien zum Deuteronomium* [ed. Reinhard G. Kratz and Hermann Spieckermann; FRLANT 190; Göttingen: Vandenhoeck & Ruprecht, 2000], 137). He also notes that the theme is not popular among theologians. Similarly, Latvus refers to YHWH's anger as a hidden theme in Deuteronomy—hidden not because of its lack of prominence since it occurs four times more often than love by Latvus' count, but by the preference of commentators to list more positive themes when summarizing the contents of the book (Kari Latvus, *God, Anger and Ideology: The Anger of God in Joshua and Judges in Relation to Deuteronomy and the Priestly Writings* [JSOTSup 279; Sheffield: Sheffield Academic, 1998], 76-7).

communities that form around these texts. Provisional sympathy means that effort is expended to find a harmonious understanding of who YHWH is and what he is doing. It does not mean that sympathy is the necessary outcome.

As suggested above, one shortcut to sympathy is selectivity. However, deliberate suppression of objectionable material is both intellectually dishonest in its analysis of the text and counterproductive with respect to the goal of engagement with God as presented in the text. Behind this dissertation is a process of research that began with intentionally problematizing the portrayal of YHWH, a methodologically biased reading that sought to emphasize the aspects of the text that disturb—or should disturb—modern readers. The purpose of this study is served only by engaging the fully problematic YHWH with a bias toward sympathy.<sup>41</sup>

### 1.3.2 CANON AND HISTORY

My reading strategy focuses on the “final form” of the biblical text as received by Jewish and Christian communities of faith that view this text as normative, which herein means the MT with occasional text critical modifications. While this strategy focuses on the text rather than the author, redactors, and presumed sources behind the text, it does not completely remove the text from its historical origins.

The canonical reading strategy seeks a reasonable degree of coherence among texts that are presumed to have a complex compositional history and to contain varying—or even considerably divergent—viewpoints. The justification for the goal of coherent reading lies in the historical gathering of these texts together into a canon by communities of faith that have sought to live in harmony with them while—for the most part—acknowledging that some degree of disharmony exists within the text itself, which is only one of many impediments to forming a community around the text.

That the canonical texts were not produced in a single moment with a single intention is understood by most canonical interpreters. On the contrary, many people with many intentions are reflected in the canonical texts. Therefore it is not claimed that a canonical reading recovers either any particular authorial or editorial intention or the meaning any particular historical audience would have understood from the text. Rather, this reading strategy attempts to understand the theological implications of engaging with this ancient text from the perspective of its reception in the present.

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<sup>41</sup> Of course, all textual study is selective on many levels. I attempt to avoid forms of selectivity that would allow my predisposition toward rejection of divine violence to subvert the text rather than the reverse.

However, the significant historical distance between text and reader cannot be ignored. Language, style, and content are all dependent—to a larger or smaller degree—on the texts' historical settings. Unfortunately, it is currently impossible to locate historically the various texts of the OT—not to mention the sources, redactions, tradents, and canonizers—with precision and confidence. Deuteronomy is no exception. But this basic limitation should not be overestimated any more than ignored. The implication of this historical imprecision is that the canonical reader must remain modest and somewhat tentative about what historical claims can be sustained. However, sensitivity to the multi-millennium distance between the modern reader and the text is critical for avoiding grossly misleading anachronistic readings.

In the matter of YHWH's threats against Israel in Deuteronomy, there are significant subjects that the modern reader must understand from a historical perspective because the modern context lacks a suitable awareness of them. Examples that are developed below as needed include the form of ANE treaties (§2.2.1), the nature of ancient siege warfare (§6.2.2), and the relationship between ANE kings and their gods (§7.2).

Interestingly, the realities of canon and history are important not only at the ancient horizon but also at the modern. The modern reader is situated within a cultural context that is governed by ideas that are often reified in canonical texts. Attention to some of these canons will be important for developing a modern understanding of the biblical text. Examples of canonical texts in the American context are the Declaration of Independence and the United States Constitution.<sup>42</sup> At the global level, the United Nations "Universal Declaration of Human Rights" plays a normative role in the modern world.<sup>43</sup> Historical developments surrounding these documents are also relevant for understanding modern culture, including such developments as the political philosophy of the modern nation-state and the shifts in citizen loyalties and marginalization of religion that accompanied its development (§2.1.1). Contemporary understanding of an ancient text requires sensitivity to one's own history and canons as well as to those from the ancient world, so some of these modern topics will be addressed as needed. Lash usefully observes, "Just as certain features of the past may be rendered quite opaque or illegible by the differences between past and present contexts of meaning, so also

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<sup>42</sup> On the analogy between the church and America as interpretive communities around their own canonical texts, cf. Jaroslav Pelikan, *Interpreting the Bible and the Constitution* (New Haven: Yale University Press, 2004).

<sup>43</sup> United Nations General Assembly, "Universal Declaration of Human Rights," (10 Dec 1948), n.p. Cited 3 Jan 2007. Online: <http://www.un.org/Overview/rights.html>.

certain features of the present may be rendered quite opaque or illegible by the circumstances of contemporary existence.”<sup>44</sup>

Finally, I consider the passages of Deuteronomy within the world of the text, i.e. with Moses speaking the sermon to the second generation after the exodus from Egypt as they prepare for the conquest of Canaan under Joshua. Regardless of one's position on the historicity of these events, and regardless of the time of the text's composition (whether, for example, by Moses, in the time of Josiah, or during or after the exile), the canonical text purports to explain the continuing implications for future generations of Israel of her relationship with YHWH. The text functions through the reader's imaginative submersion into the scene on the plains of Moab beyond the Jordan (1:3). It is through attention to the portrayal of Moses' discourses that the relationship between YHWH and his people is to be understood and proper response made.

### 1.3.3 WHO IS THIS “MODERN READER”?

I have referred above to a “modern reader” who has difficulty with YHWH's threats against Israel in Deuteronomy. The identity of this reader requires additional clarification. I am proposing a reading strategy that purports to aid this modern reader's understanding of the ancient text. It is impossible to specify precisely this hypothetical reader. In fact, it would be disingenuous to hide the fact that my “modern reader” is an amalgam composed largely of myself and to a lesser degree the cultural and faith communities that surround me. If such an assumption seems to narrow the applicability of my ideas to such a degree as to render them ephemeral and therefore trivial, I can only respond that the very nature of understanding a text is deeply contingent on the culture, ideas, and values of the one seeking understanding.

However, I can begin to describe the audience for whom this study may be helpful in understanding the texts and topics under consideration. First, I assume a certain degree of sympathy with the political values and structures of the modern Western world of North America, Western Europe, etc., such as the modern nation-state, liberal democratic governance, capitalistic economy, and human rights. By “sympathy” I do not mean complete agreement but rather a basic understanding of these values and structures and of the reasons they are considered legitimate in the modern West. My work will be of less value to those who are ideologically opposed to any human exercise of power over another, such as found in certain forms of post-

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<sup>44</sup> Nicholas Lash, “What Might Martyrdom Mean?” in *Theology on the Way to Emmaus* (London: SCM, 1986), 81.

colonialism, or to those who are ideologically committed to all human relations being reduced to amoral exercise of power, such as found in certain forms of postmodernism.

Second, I assume unease with the violence depicted in the OT. Despite the horrific wars of modernity and fascination with violence in various forms of the media, my hypothetical reader holds human life and comfort in high regard, with kindness and tolerance being primary virtues, and hate and cruelty primary vices.<sup>45</sup> In particular, my “modern reader” has a tendency to view YHWH’s threats of destruction against Israel to be excessive, oppressive, cruel, primitive, and/or beneath deity. These values probably underscore a number of the approaches discussed in §1.1 above. My work will be of less value to those who find YHWH’s threats to be morally unproblematic.

Finally, I write from the perspective of an American and a Christian. As an American, I bear a strong cultural imprint on the proper relationship between religion and politics. Since both play important roles in my analysis, my American perspective inevitably makes itself visible. Furthermore, the central place of the United States within global politics as the “sole superpower,” along with my familiarity, leads me to derive many of my political examples from American politics. As a Christian, while making no explicit reference to the NT and while seeking to avoid incorporating my own faith commitments into the texts I examine, it is inevitable that my commitments color what I do. Beyond this, the Christian reader understands Jesus to be definitive for knowledge of God and living in appropriate relationship to him. So while there is substantial continuity between YHWH of the OT and the God and Father of our Lord Jesus Christ in the NT, for the Christian reader significant further work is needed to understand the ramifications of the expanded Christian canon and revelation. However, such considerations in no way reduce the necessity and value of the present study.

#### 1.3.4 THE NEED FOR MODERN CONNECTIONS

Moberly suggests, “Questions of how to understand the Bible in its own right. of how to understand the Bible in terms of contemporary categories, and of how to relate these perspectives are *the* questions of biblical interpretation.”<sup>46</sup> As Lash argues, the model for understanding a historical text within a modern context cannot be a simple “relay-race” of historical analysis followed by translation into modern terms. Rather, understanding of past and present rely upon one another: “We do not *first* understand

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<sup>45</sup> “For about a hundred years we have so concentrated on one of the virtues—‘kindness’ or mercy—that most of us do not feel anything except kindness to be really good or anything but cruelty to be really bad” (C.S. Lewis, *The Problem of Pain* [New York: Collier, 1978], 56).

<sup>46</sup> R.W.L. Moberly, *The Bible, Theology, and Faith: A Study of Abraham and Jesus* (CSCD 5; Cambridge: CUP, 2000), 76, emphasis original.

the past and *then* proceed to understand the present. The relationship between these two dimensions of our quest for meaning and truth is dialectical: they mutually inform, enable, correct and enlighten each other."<sup>47</sup>

However, it is precisely at the point of ancient and modern dialectic that YHWH's threats of destruction often defy modern engagement. But Lash does not see an insurmountable problem, rather suggesting,

If the questions to which ancient authors sought to respond in terms available to them within their cultural horizons are to be 'heard' today with something like their original force and urgency, they have first to be 'heard' as questions that challenge us with comparable seriousness. And if they are to be thus heard, they must first be articulated in terms available to us within *our* cultural horizons.<sup>48</sup>

So a central problem is the transposing of the ancient concerns into a key that can be heard with modern ears, finding modern forms with sufficient contact with the ancient forms and with "comparable seriousness" for the modern reader that the ancient concerns can be "heard" anew. But what modern form(s) can help make intelligible the jealous destruction wrought by an angry deity? Can any points of contact be found? I first consider the literary function of analogy and then explore the range of analogies that might help the modern reader engage these ancient portrayals of YHWH.

An analogy involves "reasoning from parallel cases" or a "description of something known in order to suggest in certain respects something unknown."<sup>49</sup> Although I aim to illuminate aspects of Deuteronomy through analogy with the modern nation-state, illumination in the other direction is also possible insofar as aspects of Deuteronomy are better known than modern politics. The interaction I intend relates to a 20<sup>th</sup> century understanding of metaphor, suggested by Black.<sup>50</sup> In this model, each element of the analogy is surrounded by a mental framework of properties and relations. In bringing the two elements together, these frameworks interact and thereby produce new ways of conceiving of the elements of the analogy. While metaphor produces a primarily unidirectional effect, I intend the analogy to work bidirectionally. So for Black, metaphor "selects, emphasizes, suppresses, and organizes features of the principal subject by implying statements about it that normally apply to the subsidiary subject."<sup>51</sup> In my case, I hope for a dialectic interaction between the reader's understanding of Deuteronomy's YHWH and the modern nation-state. Of course, my

<sup>47</sup> Lash, "Martyrdom," 80, emphasis original.

<sup>48</sup> Lash, "Martyrdom," 80-1, emphasis original.

<sup>49</sup> Arthur Finley Scott, *Current Literary Terms: A Concise Dictionary of their Origin and Use* (London: Macmillan, 1965), 12.

<sup>50</sup> Max Black, "Metaphor," in *Models and Metaphors: Studies in Language and Philosophy* (Ithaca: Cornell University Press, 1962), 25-47.

<sup>51</sup> Black, "Metaphor," 44-5.

extended exploration of this analogy, while dependent on the concept of metaphor, is neither as concise nor as potent as a well-formed metaphor.

I offer here a preliminary motivation for the choice of the modern nation-state as a useful analogy for understanding YHWH's threats against Israel in Deuteronomy. Consider two salient features of this relationship that I develop throughout this study. First, within the context of an established and unequal relationship, YHWH demands Israel's undivided *loyalty* in that relationship. Second, YHWH *threatens* to bring coercive and destructive force against Israel if she significantly violates his loyalty demand. I argue that all modern relational metaphors other than the nation-state are relatively unsuitable because they cannot match these two features.

Consider the demand for highest loyalty. Two common metaphors for the relationship between YHWH and Israel—marriage and parent-child—fail to capture adequately this loyalty demand. The modern marriage relationship is non-binding and a spouse who wishes to dissolve the bond is permitted to do so. The modern parent-child relationship entails the child's loyalty to the parent. However, children are expected to transcend loyalty to the parent, superseding it with loyalty to spouse, vocation, etc.<sup>52</sup> Furthermore, adult children are not obligated to maintain any relationship with their parents. The fact is that the modern West has systematically and purposefully removed loyalty obligations from interpersonal relationships. Thus, modern Western personal relationship metaphors are unsuitable for understanding YHWH's demand of Israel's loyalty.

Interestingly, the path for dissolving marriage and parent-child loyalties largely passes through the organs of the state. Divorces are concluded by the courts, which are responsible for resolving remaining disputes. Likewise, the age of majority is a legal matter that is regulated by the state. Improper imposition or termination of a marriage or parental obligation can be appealed to the state for redress. These observations suggest the primacy of the citizen-state relationship in the modern world.

When the element of *threats* for disloyalty is introduced, the primacy of the state becomes even clearer. In the modern nation-state, only one entity is allowed to threaten a person: the state. As Weber famously characterizes it, the modern state holds a monopoly on legitimate coercive force within its territory.<sup>53</sup> Life in the modern world is carefully structured around this monopoly on threats. The state alone, through police

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<sup>52</sup> Of course, this has ancient precedent, cf. Gen.2:24.

<sup>53</sup> Cf. Weber's famous observation (often taken as a definition): "A state is a human community that (successfully) claims the *monopoly of the legitimate use of physical force* within a given territory" (Max Weber, "Politics as a Vocation," in *From Max Weber: Essays in Sociology* [ed. H. H. Gerth and C. Wright Mills; trans. H. Gerth and C. Wright Mills; Routledge Sociology Classics; Abingdon: Routledge, 1991], 78, emphasis original).

and court-mediated judgments, is able to use force by seizing property, restraining in jails and prisons, and coercing people into submission.<sup>54</sup> For example, assaulting an unfaithful spouse is forbidden though appeal to the state for a divorce—possibly involving the compulsory transfer of property backed with state force—is permitted. Adultery is rarely seen as a crime in the modern West, thus not provoking a violent response by the state, though it may lead to a civil dispute to be resolved by the civil courts. Parents' use of coercive force over their children is strictly limited by law.<sup>55</sup> In many countries, "excessive" parental force can result in imprisonment of the offending parent and the state taking custody of the child.

Thus, it seems that a modern analogy for YHWH's demand of Israel's loyalty and his accompanying threats *can only* be made with the modern nation-state.<sup>56</sup> If other modern relationships are unsuitable, is the citizen-state relationship analogous? I argue throughout this work that it is in terms of both loyalty and threats. Through birth—or much less usually, naturalization—one enters into an established and unequal relationship with the state. As will be detailed later, the modern nation-state demands ultimate loyalty from its citizens. Furthermore, the modern nation-state wields its monopoly on coercive force most potently against disloyal citizens, those termed "traitors." There exists a real analogy between YHWH and the modern nation-state in the sense of problem and solution: the problem of a recalcitrant public is solved through loyalty demands with threats of coercive force. There are comparable situations in the modern world and the ancient text.

A fundamental problem for this analogy is the different language used in the political realm of the modern nation-state and the religious realm of the biblical text. In the next chapter, I argue that the political nation-state is deeply religious while the religious biblical text is deeply political. In this dissertation, I argue that the analogy between the YHWH-Israel and state-citizen relationships can be used as a heuristic reading strategy that brings the concerns of the ancient text to bear on modern readers with "comparable seriousness." If Lash's dialectic is operative, the reader will think new thoughts about both modern politics and YHWH, and possibly even live and act differently in both the religious and political spheres.

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<sup>54</sup> For a classic treatment of less blatant forms of coercion, cf. Michel Foucault, *Discipline and Punish: The Birth of the Prison* (London: Penguin, 1991).

<sup>55</sup> E.g. United Nations Convention on the Rights of the Child, "General Comment No. 8, 'The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment,'" n.p. (cited 9 Feb 2007). Online: [http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/6545c032cb57bff5c12571fc002e834d/\\$FILE/G0643912.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/6545c032cb57bff5c12571fc002e834d/$FILE/G0643912.pdf).

<sup>56</sup> Of course, the king-subject metaphor is prominent in the OT, but this has evolved in the modern West into the state-citizen relationship.

I conclude with one statement of what I am *not* doing. A Barthian might suspect that I use modern analogy in order to justify YHWH's threats against Israel. The reasoning might be that (1) the modern nation-state justly wields coercive violence against traitors, (2) the YHWH-Israel relationship is structurally analogous to the state-citizen relationship, therefore (3) YHWH justly threatens Israel. I do not provide ethical arguments for the evaluation of either the modern nation-state or YHWH. I only argue that there is a real analogy between the two. I claim this analogy provides a reading strategy that helps the modern reader to engage the ancient text—and the character/person of YHWH within/behind that text. Furthermore, the dialectical nature of the exercise means that the ancient text will provide additional perspectives for engagement with the modern nation-state. Although I do have my own preliminary ethical judgments on the matters—which my efforts at objectivity will only be able to hide partially—advocating particular ethical judgments are not the concern of the present work.

#### 1.4 SUMMARY OF ARGUMENT AND CONTRIBUTION

The argument of this dissertation proceeds as follows. In the next chapter, I consider some introductory matters that require clarification at the outset, including the relationship between religion and politics in both the modern world and in Deuteronomy, the primacy of the first commandment of the decalogue, and the basic formula in Deuteronomy for Israel's disloyalty to YHWH, his anger, and the resulting destruction of Israel. In chapters 3 to 6, I focus on particular texts of Deuteronomy that bear on the issue of YHWH's threats against Israel. Each chapter contains an exegesis of the text(s) along with necessary historical considerations, a bridge to the corresponding situation for the modern nation-state, and reflections on the resulting dialectic. Each chapter highlights one particular aspect of the analogy between YHWH and the modern nation-state that is prominent in the text(s). Chapter 3 considers the basic connection between disloyalty and destruction in the context of the golden calf remembrance of Deut.9-10. Chapter 4 examines Deut.4 and 32 and explores the dynamic of offense, destruction, and restoration between Israel and YHWH and its implications in terms of freedom and coercion. Chapter 5 considers the growth of disloyalty from the individual to the national level as concerns Deut.13 and reflects on the transition from police to military action in the modern world. Chapter 6 engages the horrors of destruction as recounted in Deut.28, the nature and logic of this destruction, and the horrors of both ancient and modern warfare. After these considerations of key

texts in Deuteronomy, chapter 7 reaches beyond this book to consider the idea of “other gods”—those who lure Israel away from loyalty to YHWH—in the canonical histories. In particular, I argue for a correlation between the serving of “other gods” and “abuse” (in Deuteronomy’s terms) of political power. It is in this attitude toward power that I draw a dis-analogy where the modern nation-state system is seen to be less in line with YHWH than with the “other gods.” The final chapter briefly concludes the study.

Other commentators have made a connection between modern treason against the state and YHWH’s threats against disloyal Israel, as will be noted where appropriate. This work contributes to the study of this theme in Deuteronomy by pursuing the analogy in depth across a variety of texts within the book. It also expands considerably on the exploration of modern ideas and practice as they apply to the analogous situation in Deuteronomy. I hope that the articulation and illustration of this analogy will be a useful starting point for developing a powerful modern reading of these and other biblical texts where the features of loyalty and threats of (along with realization of) destruction appear. A final contribution is my proposed correlation between the serving of “other gods” and abuse (in Deuteronomy’s terms) of political power.

*Christianity is, like Judaism, a fundamentally political affair. To be a Christian is to inhabit and enact a social narrative, a story of humankind called from nowhere, ex nihilo, towards its proper place, its promised polis, the new Jerusalem.*

– Nicholas Lash<sup>1</sup>

## Chapter 2

### Introductory Considerations

Before engaging my main subject, a number of important preliminary issues must be considered for clarity of perspective, method, and language. In this chapter, I introduce ideas and terms that will be used throughout this work.

#### 2.1 RELIGION AND POLITICS IN THE MODERN WORLD

The present work depends on an analogy between YHWH of Deuteronomy and modern political structures. In modern terms, YHWH is identified as “religious,” which is often held to have little in common with the “political.” “Religion” usually refers to inner personal thought and experience while “politics” concerns societal issues.<sup>2</sup> However, it is suggestive that a rule of etiquette warns that both topics be avoided in polite company because of the likelihood of argument and offense. The sensitive nature of religious and political discussion results from the normative values they express and the power behind religious and political ideas. “Politics and religion are among those matters in respect of which every human being unavoidably *enacts* fundamental decisions....”<sup>3</sup> In this section, I consider the modern relationship between religion and politics.

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<sup>1</sup> Nicholas Lash, “Eagles and Sheep: Christianity and the Public Order beyond Modernity,” in *The Beginning and the End of ‘Religion’* (Cambridge: CUP, 1996), 233.

<sup>2</sup> While religious groups do exercise political power, political action by religious groups is not the subject of this discussion.

<sup>3</sup> Nicholas Lash, *Easter in Ordinary: Reflections on Human Experience and the Knowledge of God* (London: SCM, 1988), 220. emphasis original.

## 2.1.1 THE MODERN NATION-STATE AND THE SUBORDINATION OF “RELIGION”

The idea of “religion” as a system of beliefs and worship is relatively new, growing in such English usage only in the 16<sup>th</sup> century. The word was limited formerly to the description of a life dedicated to a Christian monastic order, where a community organized its members’ lives under a common understanding of God with mutual values, practices, and accompanying human power structures.<sup>4</sup> Its privatized meaning rose along with the idea of the modern nation-state.<sup>5</sup>

The idea of the modern nation-state developed in response to the so-called “wars of religion” in Europe during the 16<sup>th</sup> and 17<sup>th</sup> centuries. As former unities crumbled, a need arose for a new societal consensus over a set of values and practices that, accompanied by corresponding power structures, would provide peace and stability. The result was—and is—the near universal ascendance of the modern nation-state. As Poggi describes it, “the key phenomenon in the development of the modern state was the institutionalization, within ‘modernizing’ Western societies, of the distinction between the private/social realm and the public/political realm.”<sup>6</sup> In other words, one feature of the modern state is a sharp delineation of what is public, that is, of state concern, and what is private and of no interest to the state. In particular, “religion” came to be understood as a private affair. The privatization of religion follows from two movements: (1) the gathering of supreme authority in the modern state and (2) the toleration of “religion” insofar as it does not challenge the authority of the state.

The first movement was developed in Thomas Hobbes’ *Leviathan*, which justifies the supreme authority of the modern state through a thought experiment. Hobbes begins with an imagined past where humankind dwelt in a state of nature where individuals had complete freedom. In this state of nature, no action is evil: everyone lives without constraint and pursues whatever aims seem most desirable. Problems arise because individual pursuits conflict with one another. Thus, Hobbes’ “state of nature” is one of all at war with all. For example, if one should build a fine house and another should want it, there is little to prevent a fight to the death over it. The result is chaos. As Hobbes famously puts it,

In such condition, there is no place for Industry; because the fruit thereof is uncertain: and consequently no Culture of the Earth; no Navigation, nor use of the commodities that may be imported by Sea; no commodious Building; no Instruments of moving, and removing such things as require much force; no

<sup>4</sup> J.A. Simpson and E.S.C. Weiner, “Religion.” *OED*, 13:568-9.

<sup>5</sup> For a presentation of the history of ideas, cf. William T. Cavanaugh, “God is Not Religious,” in *God is Not...: Religious, Nice, “One of Us,” An American. A Capitalist* (ed. D. Brent Laytham; Grand Rapids: Brazos, 2004), 97-115.

<sup>6</sup> Gianfranco Poggi, *The Development of the Modern State: A Sociological Introduction* (London: Hutchinson, 1978), 14.

Knowledge of the face of the Earth; no account of Time; no Arts; no Letters; no Society; and which is worst of all, continuall feare, and danger of violent death; And the life of man, solitary, poore, nasty, brutish, and short.<sup>7</sup>

As the thought experiment continues, the people realize that they need to establish a common power that can compel everyone to live together in harmony. Hobbes envisions the people joining in a covenant for their own preservation and contented life:

The only way to erect such a Common Power, as may be able to defend them from the invasion of Forraigners, and the injuries of one another, and thereby to secure them in such sort, as that by their owne industrie, and by the fruites of the Earth, they may nourish themselves and live contentedly; is to conferre all their power and strength upon one Man, or upon one Assembly of men, that may reduce all their Wills, by plurality of voices, unto one Will: which is as much as to say, to appoint one Man, or Assembly of men, to beare their Person; and every one to owne, and acknowledge himselfe to be Author of whatsoever he that so beareth their Person, shall Act, or cause to be Acted, in those things which concerne the Common Peace and Safetie; and therein to submit their Wills, every one to his Will, and their Judgements, to his Judgment. This is more than Consent, or Concord; it is a reall Unitie of them all, in one and the same Person, made by Covenant of every man with every man, in such manner, as if every man should say to every man, *I Authorise and give up my Right of Governing my selfe, to this Man. or this Assembly of men. on this condition, that thou give up thy Right to him, and Authorise all his Actions in like manner.* This done, the Multitude so united in one Person, is called a COMMON-WEALTH, in latine CIVITAS. This is the Generation of that great LEVIATHAN, or rather (to speake more reverently) of that *Mortall God*, to which wee owe under the *Immortall God*, our peace and defence. For by this authoritie, given him by every particular man in the Common-Wealth, he hath the use of so much Power and Strength conferred on him, that by terror thereof, he is inabled to forme the wills of them all, to Peace at home, and mutuall ayd against their enemies abroad. And in him consisteth the Essence of the Common-wealth; which (to define it,) is *One Person, of whose Acts a great Multitude, by mutuall Covenants one with another, have made themselves every one the Author. to the end he may use the strength and means of them all, as he shall think expedient, for their Peace and Common Defence.*<sup>8</sup>

The goal of peaceful society is attained by the mutual relinquishing of all rights by all citizens to the state. All agree to submit to whatever the sovereign (be it a person or some assembly of people) may require of them. As a consequence, they agree to confer all power upon the sovereign to enforce these sovereign choices by means of force, as needed. This program only functions as long as every citizen submits to Leviathan. Anyone who chooses to resist the sovereign is not so much offending the sovereign (with whom none of the citizens has actually made any covenant) as offending the rest

<sup>7</sup> Thomas Hobbes, *Leviathan* (ed. Francis B. Randall; New York: Washington Square, 1964), 84-5.

<sup>8</sup> Hobbes, *Leviathan*, 118-9, emphasis original.

of the citizenry who are maintaining their commitment to obedience. Thus, the state gathers supreme power and authority into itself.<sup>9</sup>

The second movement, the toleration of “religion,” results from the problem of religious authority competing with state authority. The state is concerned with competing claims of authority and demands of loyalty. Competing social authorities, such as family and trade guilds, are arranged underneath the overarching authority of the state, which alone wields legitimate coercive force.<sup>10</sup> But special consideration must be given to the particularly problematic authority of God, who would seem to have higher authority than the state. Early philosophers of the modern state wrestled with the problem of God’s competing authority. Hobbes solves the problem by demanding that there be one state religion with the sovereign as its head, thus consolidating the political and religious authority.<sup>11</sup> Rousseau takes a different approach by artfully re-defining and subordinating “religion” to the state. For Rousseau, “religion” is legitimate only insofar as the state remains the ultimate authority: “All religions which themselves tolerate others must be tolerated, provided only that their dogmas contain nothing contrary to the duties of the citizen.”<sup>12</sup> Thus, religion might be inseparably reflected in every aspect of one’s life, but it must not express itself in contradiction to the state.

Within this framework, religion became identified with individualized beliefs and innocuous public gatherings for worship. As the governance model of the United States was being developed, this concept of religion became codified in the doctrine of religious freedom. Thomas Jefferson argues that the state has no interest in regulating religion, for such is confined to the human mind, which is beyond the purview of the law: “The legitimate powers of government extend to such acts only as are injurious to others. But it does me no injury for my neighbour to say there are twenty gods, or no god. It neither picks my pocket nor breaks my leg.”<sup>13</sup>

This view of religion as a private affair continues to be reflected in modern thought. For example, the United Nations Universal Declaration of Human Rights pronounces, “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or

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<sup>9</sup> There are, of course, other approaches to defining and justifying the authority of the modern state, including the other major political philosophies of social contracts (John Locke, *The Second Treatise of Government* [ed. Thomas P. Peardon; Upper Saddle River, N.J.: Prentice Hall, 1952] and Jean-Jacques Rousseau, *The Social Contract* [trans. Maurice Cranston; London: Penguin, 2006]) and sociologies of politics (e.g. Weber, “Politics,”). The potential for Leviathan abusing its absolute power leads to various efforts to define limitations to its authority, such as written law, consent of the governed, inalienable rights, etc.

<sup>10</sup> Cf. ch. I n.53.

<sup>11</sup> Hobbes, *Leviathan*, 288-9.

<sup>12</sup> Rousseau, *Social Contract*, IV.8, pp. 167-8.

<sup>13</sup> Thomas Jefferson, *Notes on the State of Virginia* (ed. William Peden; Chapel Hill: Univ. of North Carolina Press, 1954), 159 (Query 17).

in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”<sup>14</sup> Religion sits comfortably alongside thought and conscience as something individual, inner, and private. Such a view is reflected by such statements by the United States as the following praise for freedom of religion: “Freedom of religion is a cornerstone of universal human rights, for it encompasses freedom of speech, assembly, and conscience, which together form the foundation for democratic governance and respect for the individual.”<sup>15</sup> The religious are free to think, speak, and gather together, but life lived in response to God that would be of any threat to the state is illegitimate and possibly even difficult to imagine.

In summary, the development of the modern state has led to life under the authority of God being divided into two parts: a public, outward life lived under the authority of the state—which may, arguably, be an instrument of God—and a private, inward life that is of no interest to the state and may be lived in response to God or anything else as each individual chooses.

### 2.1.2 MODERN “RELIGION”: DURKHEIM’S FUNCTIONAL THEORY OF RELIGION

In the previous section, I presented the modern idea of “religion” that reduces it from something encircling all of life to a privatized realm within an individual’s life. Does this mean that there remains nothing “sacred” or “religious” about the larger life of society within the modern state?<sup>16</sup> Defining such terms has proved tremendously difficult within a modern frame of reference, even leading to proposals that the concept “religion” be abandoned altogether.<sup>17</sup> However, sociologists sense that something within the domain of “religion” is important for understanding the dynamics of human societies.

Emile Durkheim redefines religion to highlight its importance for social cohesion. Apart from any metaphysical reality, he defines religion in *functional* terms: “A religion is a unified system of beliefs and practices relative to sacred things, that is

<sup>14</sup> United Nations General Assembly, “UDHR,” Article 18.

<sup>15</sup> United States Bureau of Democracy, Human Rights and Labor, “International Religious Freedom Report 2006,” n.p. (cited 4 Jan 2007). Online: <http://www.state.gov/g/drl/rls/irf/2006/>, Introduction. Courts in the United States regularly struggle with what constitutes protected religious practice. For an interesting collection of recent cases, cf. Avi Schick and Shaifali Puri, “For God’s Sake: How the Courts have Forsaken both God and the Constitution,” n.p. (cited 4 Jan 2007). Online: <http://www.slate.com/id/2151035/>.

<sup>16</sup> Christian thinkers as diverse as John Calvin and Reinhold Niebuhr argue that the absence of faith is impossible, rather the object of faith is either the LORD or some contingent idol (Patrick D. Miller, “The Most Important Word: The Yoke of the Kingdom,” *Illiff Review* 41:3 [1984]: 25). This idea is reflected in postmodern suspicion of claims of objectivity, arguing that presuppositions, like faith (*mutatis mutandis*), govern all thought.

<sup>17</sup> For an argument in this direction, cf. Timothy Fitzgerald, *The Ideology of Religious Studies* (New York: OUP, 2000), 3-32.

to say, things set apart and forbidden—beliefs and practices which unite into one single moral community called a church, all those who adhere to them.”<sup>18</sup> As Lash puts it, the sacred are those “practices, beliefs and institutions which prove too hot to handle, too dangerous to touch.”<sup>19</sup> From this functional standpoint, every community has a religion that unites the constituent individuals.

Every society sacralizes that which is foundational to it. Societies both express and protect their central ideas as inviolably sacred.<sup>20</sup> In the modern context of secularized society—where God is banished from the public square—the idea that “secular” society should be understood as deeply “religious” is unintuitive, but as Thomas O’Dea points out, the functions of social institutions can be subtle enough to escape the awareness of the human actors.<sup>21</sup> Durkheim writes, “The moment a belief is unanimously shared by a group of people, it is forbidden...to interfere with it, that is to say, to deny or dispute it. The prohibition of criticism is a prohibition like any other and proves that we are face to face with a sacred thing.” For example, “there is, at the very least, one principle which the devoted disciple of free enquiry tends to put above argument and to look upon as sacrosanct, that is to say sacred—it is the very principle of free enquiry itself.”<sup>22</sup> Within Durkheim’s model, a god can be personal, like Zeus or YHWH, or an abstract force, like market capitalism or that signified by a totem.<sup>23</sup> Each deity has its own interests, ends, and powers that transcend any individual. These sociological gods lend their strength to the faithful. An individual living in harmony with society not only has confidence in the god’s support, but receives tangible benefits insofar as society confers benefits for obedience. In a capitalistic society, doing well in school, getting a good job, and working hard every day results in money appearing in the bank account, which can be transformed into a home entertainment center. Trust in and obedience to the rules of proper living produce results that no one could possibly produce for oneself.

Durkheim’s model understands societies to create religions for social cohesion. Peter Berger expands on Durkheim by viewing society and religion as dialectic. Society constructs its religion and that religion acts back upon society by continually reshaping

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<sup>18</sup> Emile Durkheim, *Durkheim on Religion: A Selection of Readings with Bibliographies* (ed. W.S.F. Pickering; trans. Jacqueline Redding and W.S.F. Pickering; London: Routledge & Kegan Paul, 1975), 123.

<sup>19</sup> Nicholas Lash, “Hollow Centres and Holy Places,” in *The Beginning and the End of ‘Religion’* (Cambridge: CUP, 1996), 190.

<sup>20</sup> Interestingly, Hobbes’ description of Leviathan as a “Mortall God” points to the religious nature of social institutions.

<sup>21</sup> Thomas F. O’Dea, *The Sociology of Religion* (FMSS; Englewood Cliffs, New Jersey: Prentice-Hall, 1966), 2-3.

<sup>22</sup> Durkheim, *Religion*, 131-2.

<sup>23</sup> Durkheim, *Religion*, 125.

it according to the religious vision of reality.<sup>24</sup> Berger emphasizes the power of religion as a legitimating force that justifies the social order. Religious legitimation answers questions about why social institutions are the way they are.<sup>25</sup> So, “religion” can refer to Israelite society being shaped by the claim that YHWH has delivered Israel from Egyptian bondage (Deut.5:6-7). But “religion” can also refer to the anthropological claim that liberal democracy and capitalism provide the best institutional structures for preserving human liberty. Berger observes that archaic societies primarily legitimate themselves by appeal to a cosmic structure that society properly mirrors, while later societies legitimate themselves by appeals to the nature of humanity.<sup>26</sup>

Social cohesion is maximized when the legitimating rationale of the society’s religion is embraced so completely that no social alternative can be imagined—the existing structure is simply taken for granted. It is only when deviants question the social order that reasons must be given for it. “When a challenge appears...the validity of the social order must then be explicated, both for the sake of the challengers and of those meeting the challenge.... The wrongdoers must be convincingly condemned, but this condemnation must also serve to justify their judges.”<sup>27</sup> In this way, the sociological gods demand that individuals and society as a whole conform to the sacred demands. As YHWH condemns allegiance to golden calves in place of allegiance to his imageless self, modern democracies condemn aspirations of autocracy.

Sociologists such as Durkheim and Berger broaden the idea of “religion” beyond the metaphysical and the divine to include all sorts of ideas and institutions that unite communities. Emilio Gentile, a historian of totalitarian movements, studies in particular *political* ideas and institutions that take on religious functions. He traces the historical shifts in modern Western politics that eliminated the church’s hegemony, separated church and state, and gave rise to popular sovereignty. These foundational political changes led to a need for a sacred (in Durkheim’s sense) legitimation (in Berger’s sense) of the new social order. Gentile writes,

Historically, the sacralization of politics, in the sense I have just explained, commenced with the birth of modern democracy and mass politics.... The first real religions of politics appeared during the American and French revolutions as a set of beliefs, values, myths, symbols, and rituals that conferred a sacred quality and meaning on the new political institution of popular sovereignty.<sup>28</sup>

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<sup>24</sup> Peter L. Berger, *The Social Reality of Religion* (London: Faber & Faber, 1967), 3-4, 48.

<sup>25</sup> Berger, *Social*, 29.

<sup>26</sup> Berger, *Social*, 25.

<sup>27</sup> Berger, *Social*, 31.

<sup>28</sup> Emilio Gentile, *Politics as Religion* (trans. George Staunton; Princeton: Princeton University Press, 2006), xvi.

While totalitarian Fascism, Nazism, and Soviet Communism are widely recognized as political systems that took on a religious character,<sup>29</sup> the sacral nature of American politics is less obvious.<sup>30</sup> But as Berger notes, societies prefer their religious systems be implicit and hidden. They become most visible when the religious/political system needs to be legitimated against challengers. This happened during the uncertain days of the Cold War, when, for example, the sociologist J. Paul Williams insisted that America renew its religious understanding of itself: “Democracy must become an object of religious dedication. Americans must come to look on the democratic ideal (not necessarily American practice of it) as the will of God or, if they prefer, the Law of Nature.”<sup>31</sup>

The present American-led war on terror recognizes another “religious” challenge that requires the modern West to legitimate its social commitments. Certain Islamic groups envision a society with different sacred commitments from those held by the modern West. Gentile, writing shortly before the attacks of September 11, 2001, muses at the end of his book that “at the beginning of the third millennium, the sacralization of politics appears everywhere to be in retreat” and is becoming “no longer relevant.” He then notes, “However, it is impossible to say whether the sacralization of politics has disappeared entirely from today’s world or whether or not the conditions exist for its eventual reappearance.”<sup>32</sup> As a historian, Gentile should not be faulted for failing to predict the future. However, sociologists of religion would be quick to point out that the sacralization of politics is ever-present and at that pre-9/11 moment was merely waiting for a sufficient political challenge to arise, whereupon the sacred political order of the modern West would move from quietly being “the way things are” to vocally asserting itself as “the way things must be.”

### 2.1.3 THE RELIGION AND EMPIRE OF LIBERAL DEMOCRACY AND CAPITALISM

If every society holds sacred ideas, what is the “religion” of modern Western society, with special reference to the United States? Nicholas Lash engages this question and warns against “suppos[ing] that the only gods worshipped in our society were those whose temples are located in the culturally marginal territory which we still label as

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<sup>29</sup> Gentile, *Politics*, xvii-xix.

<sup>30</sup> Gentile distinguishes “civil religion,” which he sees as more benign, and “political religion,” which he sees as more totalitarian (Gentile, *Politics*, xv), though the terminology and definitions vary widely among sociologists and historians. An important early article on the mixing of religion and politics in America is Robert N. Bellah, “Civil Religion in America,” in *The Robert Bellah Reader* (Durham, N.C.: Duke University Press, 2006), 225-45.

<sup>31</sup> J. Paul Williams, *What Americans Believe and How They Worship* (New York: Harper, 1952), 484, cited by Gentile, *Politics*, 133.

<sup>32</sup> Gentile, *Politics*, 145-6.

‘religious.’”<sup>33</sup> In line with Berger, he argues that the narrative of secularization serves “to render ideologically invisible the religious character of our most powerful institutions and foundationally entrenched beliefs.”<sup>34</sup> But reflection reveals that “democratic capitalism, as interpreted by Novak, is undoubtedly (on Durkheimian criteria) a religion, a set of practices concerned with sacred things.”<sup>35</sup> Many other items could be added to the list of religious practices within the modern West, including militarism, individualism, human rights, pluralism, and multiculturalism.<sup>36</sup> For my purposes, I will focus on liberal democracy and capitalism. I include the qualifier “liberal,” because classic liberalism places primary weight on individual human rights, which democracy by itself does not necessarily achieve. For example, a democracy could decide to kill every member of a minority group within the society, but a liberal democracy appeals to fundamental human rights to prevent such a choice by the majority. The sacred institutions of a society are too complex to condense into a shorthand phrase, but liberal democracy and capitalism play a central role in the current international political dialogue in America, so I limit myself to these sacred ideas in this study.

There is a long history within American politics of appealing to the divine for legitimation of American commitments. While such appeals to God reveal the sacred nature of these commitments, it is important to realize that the sacralization of core ideas goes far deeper than any use of God language in reference to them. Their sacred quality does not depend on explicit reference to the divine. But in times of stress, when legitimation is necessary, God is invoked to legitimate America’s commitments. President Bush describes the war in Iraq in these terms: “The challenge playing out across the broader Middle East is more than a military conflict. It is the decisive ideological struggle of our time.” America’s enemies “have declared their intention to destroy our way of life.” The ideology America defends is “freedom.”<sup>37</sup> Indeed, Bush proclaims, “The advance of freedom is the calling of our time.” This divine calling is not simply a minor purpose of Bush’s unnamed deity but serves as an identifying eponym for God: “We can, and we will, prevail. We go forward with trust that the

<sup>33</sup> Lash, “Hollow,” 189-90.

<sup>34</sup> Lash, “Hollow,” 190.

<sup>35</sup> Lash, “Hollow,” 193. Lash here refers to the defense of modern America in Michael Novak, *The Spirit of Democratic Capitalism* (Lanham, Md.: Madison, 1991).

<sup>36</sup> The analysis of Meic Pearse, *Why the Rest Hates the West* (London: SPCK, 2003) focuses on the “tolerance” of Western liberalism. He critiques it as an “anti-value” that lacks moral vision (pp.3, 173-8) and stands against what most other ages held and other cultures hold dear, including valuing tradition (pp.79-95), sexual taboos (pp.35-7), family (pp.129-51), honor (pp.40-1), obligations instead of rights (pp.59-78), personal leadership and sovereignty (96-112), and community (113-28).

<sup>37</sup> Cf. §4.3.2 on the problems of defining “freedom.”

Author of Liberty will guide us through these trying hours.”<sup>38</sup> The sacred character of American-style “freedom” is strikingly overt here, but even when such language is stripped away, the religious, ideological, societal commitment remains as what Nietzsche foresaw and sociologists characterize as a “surrogate god” or “functional equivalents of religion” within “secular” society.<sup>39</sup>

Although I make special reference to America, the commitment to liberal democracy and capitalism is of course much broader than any one nation.<sup>40</sup> In the last half century, globalization has led to the wide adoption of this particular collection of sacred values by the majority of nation-states that wield significant power in the world. Poggi notes that modern nation-states do not exist in isolation, but as part of a larger coherent system:

Every state exists, first of all, in the presence of and in competition with other states like it.... What orderliness exists in the relations among such units [i.e. states as juxtaposed sovereignties] results not from shared submission to an overarching power but from concurrent, voluntary observance of certain rules of mutual conduct in each state’s pursuit of its own interests.<sup>41</sup>

While formerly the “rules of mutual conduct” might have focused on national sovereignty and international laws for the conduct of warfare, increasingly these rules involve demands—backed by economic and military power—upon all states for the respect of human rights, tolerance, and economic development, which largely recast the same values of liberal democracy and capitalism in different terms.<sup>42</sup>

The functionally sacred nature of liberal democracy and capitalism can be illustrated further from the idea of a salvation myth. Cavanaugh writes incisively about the modern nation-state system as a god.<sup>43</sup> The modern nation-state system promotes itself as the savior of humankind. As YHWH proclaims that he is the one who brought Israel out of Egyptian oppression into the promised land, liberal democracy and capitalism proclaims, “I am the societal order that has brought you out of Hobbesian

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<sup>38</sup> George W. Bush, “President’s Address to the Nation (10 Jan 2007),” n.p. (cited 11 Jan 2007). Online: <http://www.whitehouse.gov/news/releases/2007/01/20070110-7.html>.

<sup>39</sup> Iain W. Provan, “Worshipping God in Nietzsche’s World,” *ExAud* 15 (2000): 19; O’Dea, *Sociology*, 17.

<sup>40</sup> Conversely, America is far from a perfect exemplar of the ideal. Cf. Christopher J. Insole, “Discerning the Theopolitical: A Response to Cavanaugh’s Reimagining of Political Space,” *Political Theology* 7:3 (2006): 323-35.

<sup>41</sup> Poggi, *Development*, 87-8.

<sup>42</sup> Examples could be multiplied from United Nations documents, but consider the “Universal Declaration of Human Rights,” which recognizes as universal the rights to property and elected government and then demands that states educate their citizenry on the United Nations’ notion of “the full development of human personality” (United Nations General Assembly, “UDHR”). On the development of globalization as an ideology, cf. Manfred B. Steger, “Ideologies of Globalization,” *Journal of Political Ideologies* 10:1 (2005): 11-30.

<sup>43</sup> William T. Cavanaugh, “The City: Beyond Secular Parodies,” in *Radical Orthodoxy: A New Theology* (ed. John Milbank, Catherine Pickstock and Graham Ward; New York: Routledge, 1999), 182-200.

despair, inter-religious bloodshed, and unproductive poverty to a world of freedom, security, and prosperity.” Other societies—and as Durkheim would emphasize, their gods—have failed their people, leaving them oppressed by dictators, insecure from instability within, threatened from without, lacking in technological sophistication, and impoverished. These failed societies/gods include monarchies and Soviet communism in the past and Islamic theocracies in the present. The mythological claim of the modern nation-state to be the guarantor of human salvation provides another perspective for seeing it as a religion.

In conclusion, while Durkheim’s work prompts the search for powerful and deep religion even within so-called secular society, present world conflict makes plain some of the elements of that religion which undergird the political structure of the powerful nations of the modern world. While a narrowly-defined, privatized idea of “religion” may seem to have little to do with international politics, and while invocation of the deity by political leaders may sometimes seem to be a diversionary tactic for politically-motivated ideas and actions, a broader understanding of religion reveals a potent political religion at work in the world: liberal democracy and capitalism.

## 2.2 RELIGION AND POLITICS IN DEUTERONOMY

In the previous section, I argued that modernity separates religion and politics into distinct spheres. However, a broader idea of religion results in the observation that the modern West is committed to the political ideas of liberal democracy and capitalism as functional religions. In order to justify arguing for an analogy between the ancient “religion” of Deuteronomy and the politics of the modern nation-state, I now take the further step of addressing the political nature of Deuteronomy.

Weinfeld comments, “Political and religious aspects, particularly in the Israelite covenant, were fused to such an extent, however, that it is sometimes difficult to distinguish between them.”<sup>44</sup> I explore this fusion in three steps. First, I examine the relationship between Deuteronomy and ANE political treaties as political instruments. Second, I argue that the book of Deuteronomy can, in general terms, be understood as a political “nation-state document.” Third, I argue that, despite important differences, the political entity envisioned in Deuteronomy for YHWH’s Israel shares important characteristics with the modern nation-state. I conclude that Deuteronomy has a distinctly political character in addition to its obvious religious import.

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<sup>44</sup> Weinfeld, *Deuteronomic*, 100.

## 2.2.1 DEUTERONOMY AND ANE TREATIES

The discovery and study of ANE treaties over the past decades has powerfully illuminated the reading of Deuteronomy. Beginning with Mendenhall's initial observation, it is commonly noted that Deuteronomy's form, language, and content resembles that of ANE suzerainty treaties.<sup>45</sup> At the center of these treaties, the suzerain presents terms of political relationship to the vassal. Analysis varies among interpreters, but common features include a preamble, a historical prologue describing the relationship between the treaty partners, a list of stipulations that obligate the treaty partners, invocation of witnesses to the treaty, and lists of blessings and curses that result from fulfillment or violation of the treaty.

This literary resemblance led to an initial hope that Deuteronomy and other covenant texts could be dated precisely and the historical development of Israel's covenant ideas could be reconstructed. However, the ensuing debate has not resulted in definitive historical results.<sup>46</sup> Deuteronomy's resistance to precise dating should be

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<sup>45</sup> George E. Mendenhall, "Covenant Forms in Israelite Tradition," *Biblical Archaeologist* 17 (1954): 50-76. On the overall theme, cf. Dennis J. McCarthy, *Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and in the Old Testament* (AnBib 21A; Rome: Biblical Institute Press, 1981). Most commentators agree with the basic idea (e.g. Gerhard von Rad, *Deuteronomy: A Commentary* [OTL; trans. Dorothea Barton; London: SCM, 1966], 21-2; Weinfeld, *Deuteronomy 1-11*, 6-9; and Jeffrey H. Tigay, *Deuteronomy: The Traditional Hebrew Text With the New JPS Translation* [JPSTC 5; Philadelphia: JPS, 1996], xiv-xv) though differing on whether this is the best way to understand the structure or genre of Deuteronomy (e.g., Raymond B. Dillard and Tremper Longman III, *An Introduction to the Old Testament* [Grand Rapids: Zondervan, 1994], 97-9; J. Gordon McConville, *Deuteronomy* [ApOTC 5; Leicester: Apollos, 2002], 23-4; Walter Brueggemann, *Deuteronomy* [AbOTC; Nashville: Abingdon, 2001], 17).

<sup>46</sup> Mendenhall's original work argued for a stronger connection to the second millennium Hittite form than to the first millennium neo-Assyrian. However, the distinction between these treaty forms was undermined by the later discovery of the *Vassal Treaties of Esarhaddon* (*VTE*), which, along with other finds, has blurred the distinction between treaties of the different ages. In his widely regarded work, McCarthy claims an essential unity in ANE treaty forms in the second and first millennia: "In view of the many points of continuity between first and second millennium it would be dangerous to conclude to a total break between the two sets of treaties and then use this break as a criterion of date" (McCarthy, *Treaty*, 153). While others would not go this far, the treaty form itself is not enough to decide between competing theories for dating Deuteronomy. E.g. Dion seems to acknowledge the consistency of the treaty form between the Hittites and Assyrians (Paul E. Dion, "Deuteronomy 13: The Suppression of Alien Religious Propaganda in Israel during the Late Monarchical Era," in *Law and Ideology in Monarchic Israel* [ed. Baruch Halpern and Deborah W. Hobson; JSOTSup 124; Sheffield: Sheffield Academic, 1991], 196), but argues that "the closer to 672 BC one places the composition of Deuteronomy 13, the easier to understand are its precise contacts with the vassal treaties of Esarhaddon" (Dion, "Suppression," 204-5). Craigie prefers a 2<sup>nd</sup> millennium date, but cautions, "It must be added that the Near Eastern textual parallels do not necessarily provide absolutely firm evidence for dating Deuteronomy either in the early period or the later period." He helpfully notes that Deuteronomy is an adaptation of existing forms, which would naturally lead to differences between its form and that of the political treaty genre upon which it is based (Peter C. Craigie, *The Book of Deuteronomy* [NICOT; London: Hodder & Stoughton, 1976], 27). Wiseman notes,

The structure, form(ularies), and to a surprisingly large extent the language, of these oath-bound covenants are common to the peoples of the ancient near east from the fourth millennium down to the Hellenistic and Roman Periods.... Attempts to use the 'structure' to determine date, e.g. distinguishing a second or first millennium origin of a treaty from the inclusion or omission of a historical prologue, the order of elements (such as witness and blessings or curses) as applied to the Deuteronomic writings, have been shown to be unreliable. (Donald J. Wiseman, "'Is it Peace?': Covenant and Diplomacy," *VT* 32:3 [1982]: 311-2)

viewed less as a failure of historical method than as a demonstration of the breadth of the historical traditions upon which it draws.

Some caution must be exercised when interpreting Deuteronomy based on analogy with ANE treaties. Mayes makes the important point that

in its present form Deuteronomy is not a treaty document; it is not presented as such.... So in its present form the book of Deuteronomy cannot be held to follow exactly the form of treaty, which in turn means that it cannot simply be taken as a 'literary imitation' of the treaties.<sup>47</sup>

Along the same lines, Nicholson argues strenuously against the idea that Deuteronomy is an adaptation of the ANE treaty form.<sup>48</sup> He maintains that the results interpreters have produced based on the treaty analogy do not necessarily depend on that analogy, but can result from the "mutual use by treaty scribes and Deuteronomic writers of common sources."<sup>49</sup> This alternative historical reconstruction does not affect substantially the use of the treaty analogy for interpreting Deuteronomy but cautions against pressing literary dependence too far.<sup>50</sup> McCarthy navigates a helpful middle course: "This is not a covenant or treaty document, but a speech which takes up elements—history, law, blessing and curse—which belong to the structure of such a document."<sup>51</sup> For the purposes of the present work, I highlight two common features of Deuteronomy and ANE treaties: the demand of undivided allegiance and the curse lists.

Both the ANE treaties and Deuteronomy stipulate the undivided allegiance of the vassal/Israel to the suzerain/YHWH.<sup>52</sup> Key terminology in Deuteronomy for loyalty also appears in the treaties. At the center is "love" (אהב).<sup>53</sup> While older studies of אהב between YHWH and Israel focused on emotional aspects of the word,<sup>54</sup> the ANE treaties reveal the important sense of loyalty, service, and obedience in the term. In both Deuteronomy and the ANE treaties, אהב is a love that can be demanded and enforced.<sup>55</sup>

<sup>47</sup> A.D.H. Mayes, *Deuteronomy* (NCB; London: Marshall, Morgan & Scott, 1979), 34.

<sup>48</sup> Ernest W. Nicholson, *God and His People: Covenant and Theology in the Old Testament* (Oxford: Clarendon, 1986), ch.3.

<sup>49</sup> Nicholson, *God*, 81.

<sup>50</sup> For example, Nicholson's treatment of ידע concludes that the meaning in biblical Hebrew is "something like 'know someone for one's own,'" which, when applied to Israel knowing YHWH, connotes worship and service, and "not something quite so plain as 'recognize the legal rights of Yahweh,'" as suggested by Huffmon from a treaty context. It is not obvious that Nicholson and Huffmon differ substantially on the central idea of loyalty conveyed in the term (Nicholson, *God*, 80; he refers to Herbert B. Huffmon, "The Treaty Background of Hebrew Yada' ," *BASOR* 181:F [1966]: 31-7).

<sup>51</sup> McCarthy, *Treaty*, 149. He is referring to Deut.4 in this case, but the same can be said of the book.

<sup>52</sup> Weinfeld, *Deuteronomic*, 81-91 summarizes the theme and cites the specific correspondences with the treaty texts. On the importance of loyalty oaths within the broader category of ANE treaties, cf. Moshe Weinfeld, "The Loyalty Oath in the Ancient Near East," *Ugarit-Forschungen* 8 (1976): 379-414.

<sup>53</sup> E.g. Deut.6:5; 7:9; 10:12; 11:1, 13, 22; 13:4 [Eng.3]; 30:16, 20.

<sup>54</sup> E.g. Walther Eichrodt, *Theology of the Old Testament* (OTL; trans. J.A. Baker; Philadelphia: Westminster, 1961), 1:250-8.

<sup>55</sup> For an opposing viewpoint that sees ANE treaty "love" as inappropriate for Israel's response to YHWH and argues that love as commanded loyalty can be understood apart from the treaty context, cf. Nicholson, *God*, 79-80.

However, it is not cold obedience, but involves personal and trusting response.<sup>56</sup> In Moran's landmark study, he notes that Deuteronomy lacks marital metaphors for Israel's relationship with YHWH and that אהב is not used in connection with parental metaphors.<sup>57</sup> Thus, the political overtones are primary. Levenson remarks, "One of the great breakthroughs in the study of the covenant occurred when William L. Moran identified 'love' as one of the central items in the vocabulary of this idea of exclusive allegiance."<sup>58</sup>

While "fear" (ירא)<sup>59</sup> may seem opposed to love in its English gloss, it functions similarly within the treaty context as an indication of loyal submission and obedience.<sup>60</sup> Of course, its connection to terror reflects the horrible consequences that may result from offending the suzerain. Deuteronomy 10:12 links fear of YHWH with loving (אהב) and serving (עבד) him. "Cling to" (דבק)<sup>61</sup> also denotes immovable, exclusive loyalty. While the term "serve" (עבד) is easily transposed into the religious realm of worship by modern readers of Deuteronomy, its foundational meaning is human service. In the treaties, it is the loyal service a vassal provides to the suzerain.<sup>62</sup> In Deuteronomy, it can refer to Israel's service to pharaoh.<sup>63</sup> YHWH demands Israel's exclusive service.<sup>64</sup>

"Listen/obey" (שמע)<sup>65</sup> denotes the obedient acceptance of the suzerain's stipulations. Within a political context, to "know" (ידע) means to recognize with legal standing.<sup>66</sup> In a vassal treaty, "knowing" a king means not just familiarity, but recognizing this king as one's legitimate ruler, with all accompanying obligations.<sup>67</sup> Finally, the imperative to "keep" (שמר) the words (דברים) or commandments (מצוות) emphasizes the binding nature of the treaty terms.<sup>68</sup>

<sup>56</sup> Miller, "Most," 27.

<sup>57</sup> William L. Moran, "The Ancient Near Eastern Background of the Love of God in Deuteronomy," *CBQ* 25 (1963): 77-8. Weinfeld, *Deuteronomism*, 81-2 n.6 notes Deuteronomy's insistence that YHWH is a jealous (קנא) God who suffers no rival (4:24; 5:9; 6:15; cf. also 32:16, 21), but this exclusivist jealousy should not be understood in marital terms within Deuteronomy, even though it is developed in this direction by the prophets (e.g. Ezek.16; Hosea).

<sup>58</sup> Jon D. Levenson, *Creation and the Persistence of Evil: The Jewish Drama of Divine Omnipotence* (Mythos; Princeton: Princeton University Press, 1988), 136.

<sup>59</sup> E.g. Deut.4:10; 5:29; 6:2, 13, 24; 8:6; 10:12; 13:5 (Eng.4); 28:58; 31:12-13.

<sup>60</sup> Cf. Weinfeld, *Deuteronomism*, 274, 83. On "fear of God," cf. also Moberly, *Bible*, 78-97.

<sup>61</sup> E.g. Deut.10:12; 11:22; 13:5 (Eng.4); 30:20.

<sup>62</sup> Weinfeld, *Deuteronomism*, 83 n.4, 332.

<sup>63</sup> E.g. Deut.6:21; 7:8.

<sup>64</sup> E.g. Deut.6:13; 10:12, 20; 11:13; 13:5 (Eng.4); 28:47.

<sup>65</sup> E.g. Deut.4:1, 10, 30; 5:1; 6:3, 4; 7:12; 8:20; 9:1, 23; 11:13, 27, 28; 12:28; 13:5, 19 (Eng.4, 18); 15:5; 26:17; 27:9, 10; 28:1, 2, 13, 15, 45, 62; 30:2, 8, 10, 17, 20; 31:12, 13.

<sup>66</sup> Huffmon, "Yada'." Cf. Deut.4:35, 39; 9:24; cf. 7:9; 9:3, 5; 11:2; 29:5 (Eng.6).

<sup>67</sup> Cf. 4:35 "To you it was shown so that you would acknowledge that the LORD is God" (אתה הראת) (לדעת כי יהוה הוא האלהים). Some translate ידע here as simply "know" (e.g. NASB, NIV), which would emphasize internal knowledge, but here the NRSV emphasizes the outward recognition of YHWH. Cf. 4:39; 7:9; 9:24 (if the emendation ידעו is accepted from LXX; cf. Huffmon, "Yada'," 35).

<sup>68</sup> Weinfeld, *Deuteronomism*, 65 n.2, 77 n.6, 335-7. Cf. Deut.4:2, 40; 5:10, 29; 6:2, 17, 25; 7:11; 8:1-2, 6, 11; 10:13; 11:1, 8, 22; 13:5, 19 (Eng.4, 18), etc. Deuteronomist sources tend to prefer שמר, while

Disloyalty is expressed in some of these same terms: “to serve” other gods or idols (עבד).<sup>69</sup> To “know” (ידע) an “unknown” god<sup>70</sup> implies that YHWH, the legitimate “known” one, would no longer be so recognized. The issue here is that to follow after “unknown” gods necessitates a shift in loyalty.<sup>71</sup> One treaty term used in Deuteronomy specifically for *disloyalty* is “turn to (other gods)” (פנה).<sup>72</sup> The phrase “follow [after]” (הלך אחרי) has a legal meaning for a vassal serving his sovereign,<sup>73</sup> which was seen as an exclusive relationship of undivided allegiance.<sup>74</sup> Interestingly, with one exception (13:5 Eng.4; cf. §5.2.2.1), it refers only to allegiance to other gods rather than YHWH in Deuteronomy.<sup>75</sup>

Beyond the treaty stipulation of loyalty, the treaty curses are also relevant to this study. The purpose of ancient treaties was to codify promises. These treaties function to define, encourage, and coerce loyalty between treaty partners. The treaty stipulates what is entailed in such loyalty, give reasons for maintaining the demanded loyalty, and provide curses that describe the price to be paid for treachery. As Hillers describes it, the treaty curses were attached “to make sure that the promise would be kept by invoking the punishment of the gods on the defaulter.”<sup>76</sup> The curses depend upon the deities to compel the vassals’ support, especially if other methods of enforcement are unavailable.

However, the treaty curses are not merely wishes of harm and prayers to the gods for retribution upon violators of treaties. Treaty curses functioned as both political and religious instruments, to use anachronistic language. To polarize the difference between divine and human enactment of the treaty curses would be to divide what was integrated in the ancient world. In Oded’s study of Assyrian justifications for going to war, violation of treaty oaths is one justification type he finds. “The Assyrian king wages war against the violator of the oath with the aim of realizing the curses included

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others prefer זכר (“remember”) (Moshe Weinfeld, “Covenant Terminology in the Ancient Near East and Its Influence on the West,” *Journal of the American Oriental Society* 93:2 [1973]: 193).

<sup>69</sup> E.g. Deut.4:28, 5:9; 7:4, 16; 8:19; 11:16; 12:30; 13:3, 7, 13 (Eng.2, 6, 12); 17:3; 28:14, 36, 64; 29:17, 25 (Eng.18, 26); 30:17; 31:20). The term עבד is used more of serving other gods in Deuteronomy than of serving YHWH.

<sup>70</sup> Cf. Deut.11:28; 13:3, 7, 14 (Eng.2, 6, 13); 28:64; 29:25 (Eng.26); 32:17.

<sup>71</sup> Cf. 1Kgs.18:21.

<sup>72</sup> Cf. Deut.29:17 (Eng.18); 30:17; 31:18, 20. Deuteronomy’s preferred term for this, סור, indicates a turning *away from* YHWH rather than emphasizing the turn *toward* other gods (7:4; 11:16; 17:17). It is also used for turning away from the commandments (e.g. 5:32; 9:12, 16; 11:28; 17:11, 20; 28:14; 31:29), which is an act of disloyalty.

<sup>73</sup> Moran, “Love,” 82 n.35; Weinfeld, “Covenant,” 196 n.83. Weinfeld also notes that this term can be used in legal marital formulae. In a Sumerian letter from Ishbi-Erra to Ibbi-Sin the phrase is equated with becoming a slave (Samuel N. Kramer, *The Sumerians: Their History, Culture and Character* [Chicago: University of Chicago Press, 1963], 333).

<sup>74</sup> Weinfeld, *Deuteronomy*, 81-91.

<sup>75</sup> E.g. Deut.4:3; 6:14; 8:19; 11:28; 13:3 (Eng.2); 28:14.

<sup>76</sup> Delbert R. Hillers, *Treaty-Curses and the Old Testament Prophets* (BibOr 16; Rome: Pontifical Biblical Institute, 1964), 6.

in the treaty. The punishment is according to the treaty.”<sup>77</sup> How then do the gods relate to the human war effort? The human military leader coordinates with divine action “as the representative of the gods as well as the tool in their hands.”<sup>78</sup> The gods authorize the human act of retribution and guarantee its success. McCarthy, in his broader study of ANE treaties, writes, “The divine sanctions invoked in the treaties aimed at justifying this force, making it more efficacious by assuring divine intervention in its favor, or, better, we should say it sought to sanctify that force, to raise it to the divine plane by making it the instrument of an outraged divine justice.”<sup>79</sup> War in every age is a sacred struggle. So on the one hand, the treaty partner assumes that the gods will act to bring disaster upon the violator through the full range of possible human suffering: disease, agricultural failure, futility, and defeat in war. But on the other hand, if the treaty is violated, the offended party is not only justified by the treaty curses to inflict suffering upon the offender, but obligated by the gods who command, guide, and assure the success of the just cause of punitive warfare.

The treaty curses do not function so much to predict with precision the future of an offending people, but to frighten and warn. It was not expected that the entire list of curses would be fulfilled upon the commission of an offense. Rather, the litany of disasters was a catalog of what sorts of retribution would be considered legitimate for an offense. But by no means does this mean that the warnings should be treated lightly. The ritual curse, “Just as (these) yearlings and spring lambs, male and female, are cut open and their entrails are rolled around their feet, so may the entrails of your sons and daughters be rolled around your feet,”<sup>80</sup> is meant to shock and horrify. But it also means that the offended king might order that exact terror be enacted upon his defeated enemy. I consider the covenant curses of Deuteronomy in ch.6.

Deuteronomy’s use of terminology and ideas from the ANE “political” treaty form to present the “religious” relationship between Israel and YHWH illustrates the important overlap between these modern categories in the ancient world. However, differences between these concepts of relationship should also be noted. Levenson notes important changes that occur with the translation of the form from international diplomacy to theology. The suzerain is no longer a human emperor but the divine YHWH. The vassal is not a petty king but the entire people of Israel. The stipulations go beyond the foundational elements of international alliance and govern Israel’s domestic

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<sup>77</sup> Bustenay Oded, *War, Peace, and Empire: Justifications for War in Assyrian Royal Inscriptions* (Wiesbaden: Ludwig Reichert, 1992), 92-3.

<sup>78</sup> Oded, *War*, 93.

<sup>79</sup> McCarthy, *Treaty*, 140.

<sup>80</sup> *VTE* §70; *ANET*, 539d.

life in substantial detail.<sup>81</sup> The first two of these three differences are important for my argument and will be discussed as appropriate. The third is less important as I focus on the primary stipulation of exclusive loyalty.

### 2.2.2 DEUTERONOMY AS A NATION-STATE DOCUMENT

Commentators have much debated the overall character of the book of Deuteronomy. As Patrick Miller<sup>82</sup> summarizes the debate, the choices fall into two broad categories: polity/constitution or instruction/teaching.<sup>83</sup> The primary distinction is whether the book's purpose is more to establish institutional structures and enforceable laws or to persuade its audience to accept its worldview and live by its standards.

In a famous essay, McBride argues the case for Deuteronomy as polity.<sup>84</sup> As he summarizes it, Deuteronomy is “the charter for a constitutional theocracy.”<sup>85</sup> He criticizes the description of Deuteronomy as instruction or teaching because it promotes “a much too facile understanding of Deuteronomy itself as essentially a didactic, moralizing, or homiletical work.”<sup>86</sup> Instead of mere sermon, “‘This Torah’ is covenantal law, the divinely authorized social order that Israel must implement to secure its collective political existence as the people of God.”<sup>87</sup>

McBride captures an important strand of Deuteronomy's concerns, though he admits the book's outer frame does not fit as polity.<sup>88</sup> Indeed, the narratives of Israel's history (1:6-3:29), hortatory sermons (4:1-40; 6-11), blessings and curses (28:1-68), preview of future apostasy (31:14-22), and so on are clearly not “polity” in any ordinary sense of that word. Patrick Miller senses this weakness in McBride's characterization

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<sup>81</sup> Jon D. Levenson, “Covenant and Consent: Biblical Reflections on the Occasion of the 200th Anniversary of the United States Constitution,” in *The Judeo-Christian Tradition and the U.S. Constitution: Proceedings of a Conference at the Annenberg Research Institute, November 16-17, 1987* (ed. David Goldenberger; Philadelphia: Annenberg Research Institute, 1989), 74.

<sup>82</sup> Because I cite two authors with the surname “Miller” in this section, I include the first name with each citation.

<sup>83</sup> Patrick D. Miller, “Constitution or Instruction? The Purpose of Deuteronomy,” in *The Way of the Lord: Essays In Old Testament Theology* (FAT 39; Tübingen: Paul Mohr, 2004), 253. Advocates of instruction include Driver, who notes the three elements of history, law, and parenthesis but argues that the first two play supportive roles to the third (S. R. Driver, *A Critical and Exegetical Commentary on Deuteronomy* [ICC; 3rd ed.; Edinburgh: T&T Clark, 1902], xix), von Rad, who sees the central characteristic to be exhortation (von Rad, *Deuteronomy*, 19), and Olson, who prefers the label “catechesis” (Dennis T. Olson, *Deuteronomy and the Death of Moses: A Theological Reading* [OBT; Minneapolis: Fortress, 1994], 10-14). The primary advocate of the constitution view is McBride (S. Dean McBride, “Polity of the Covenant People: The Book of Deuteronomy,” *Int* 41 [1987]: 229-44).

<sup>84</sup> McBride, “Polity.”

<sup>85</sup> McBride, “Polity,” 238. He quotes Josephus for this terminology: “Our lawgiver... gave to his constitution the form of what—if a forced expression be permitted—may be termed a “theocracy,” placing all sovereignty and authority in the hands of God’ (*Against Apion*, 2.165, *Josephus*, trans. H. St. J. Thackeray, LCL [Cambridge, Mass.: Harvard Univ., 1926], 9.359.”

<sup>86</sup> McBride, “Polity,” 232.

<sup>87</sup> McBride, “Polity,” 233.

<sup>88</sup> McBride, “Polity,” 235.

and argues one must also acknowledge the instructional dimension of the book.<sup>89</sup> Specifically, in order to effect a national polity, Deuteronomy must “be taught and learned and pressed upon the people.” He writes, “Persuading the community to keep the social order in all its details as set forth in the laws and statutes is as much the aim of the legislator as setting forth the laws and statutes themselves.”<sup>90</sup>

I take Patrick Miller’s fusion of the polity and instruction views one step further. Deuteronomy can be well-characterized as a “nation-state document.”<sup>91</sup> I hasten to add that I do not mean a *modern* nation-state, though I make this comparison below. I first define terms. At a coarse level, a nation is a self-conception while a state is an institution. As David Miller describes the distinction, “Nation” refers to “a community of people with an aspiration to be politically self-determining,” while “state” refers to “the set of political institutions that they may aspire to possess for themselves.”<sup>92</sup> Though consensus on the definitions of both nation and state is elusive, David Miller suggests five elements that together define nationality:<sup>93</sup>

1. Shared Belief in Nationality: Nations believe their members belong together.
2. Historical Continuity: Nations appreciate the roles of both their forebears who built the nation and their descendants who will inherit it. But Stuart Weeks observes that “the actual circumstances of the past may have very little to do with the current self-perception of a nation.”<sup>94</sup>
3. Activity: Nations do not move passively through time but “do things together, take decisions, achieve results, and so forth.... The nation becomes what it is by the decisions that it takes—some of which we may now regard as thoroughly bad, a cause of national shame.”
4. Geographical Place: A nation’s actions “must include that of controlling a chunk of the earth’s surface.”
5. Commonality: A nation’s people share some sort of commonality, whether ethnic heritage, language, culture, or other distinctive.<sup>95</sup> Benedict Anderson makes this point in reverse: nations see themselves as limited in that there are people who do not belong.<sup>96</sup>

<sup>89</sup> Miller, “Constitution,” 262-3.

<sup>90</sup> Miller, “Constitution,” 263, 265.

<sup>91</sup> Possible biblical Hebrew terms to render this idea include סִפְרָה, בְּרִיית, תּוֹרָה, and עָם.

<sup>92</sup> David Miller, *On Nationality* (OPT; Oxford: OUP, 1995), 19.

<sup>93</sup> Miller, *Nationality*, 23-7.

<sup>94</sup> Stuart D.E. Weeks, “Biblical Literature and the Emergence of Ancient Jewish Nationalism,” *BibInt* 10:2 (2002): 150.

<sup>95</sup> Though ethnicity may be one element of national commonality, it is not the only possibility (Miller, *Nationality*, 19-21).

<sup>96</sup> Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983), 7.

Deuteronomy functions as a *nation-state* document insofar as it—particularly the teaching portions of the book—builds the nationality of Israel. I briefly illustrate each of these five elements of nationality from Deuteronomy.

First, the book addresses Israel as a single people with no tribal divisions. It refers to “all Israel” (כל ישראל) eleven times and makes a special point that the trans-Jordan tribes of Reuben and Gad belong to the same one people (3:18-20). McConville notes Deuteronomy’s characteristic use of the term אחים (“brothers”) for fellow-Israelites, eliminating divisions and leveling status differences. Within Deuteronomy “there is a tendency to speak of Israel as a single whole, and what seems like a deliberate disregard for divisions within the people. This is true not only of tribal divisions but also in the realm of worship, where it is the people as an undifferentiated whole that is gathered for worship.”<sup>97</sup> The children of Israel belong together.

Second, historical continuity figures prominently in the book. Moses emphasizes the continuity between the Deuteronomy generation and the Horeb<sup>98</sup> generation: “The LORD our God made a covenant with us at Horeb. Not with our ancestors did the LORD make this covenant, but with us, who are all of us here alive today. The LORD spoke with you face to face at the mountain, out of the fire.” (Deut.5:2-4; cf. 11:2-9). As Weinfeld comments, “Israel throughout its generations is thus presented in Deuteronomy as one body, a corporate personality.”<sup>99</sup> Most importantly, the book looks back to YHWH’s promises to the patriarchs and folds each succeeding generation into those promises (1:8; 6:10; 29:10-13; 30:19-20). The book is also concerned with future generations, commanding that the book be taught to the children (4:9; 6:2, 7, 20-25; 7:3-4; etc.).

Third, Deuteronomy’s Israel has been an active people both in the shame of rejecting YHWH (1:19-46; 9:1-10:11) and in the glory of obedience and conquest (2:1-3:29). These narratives of remembrance give the people a shared sense of action, especially in relation to YHWH.<sup>100</sup>

Fourth, Deuteronomy looks forward to settled life in the promised geography of Canaan. In its canonical setting, the entire book is anticipatory: Israel’s “history as a territorial state, surrounded by other nations, is about to begin.”<sup>101</sup>

<sup>97</sup> J. Gordon McConville, *Law and Theology in Deuteronomy* (JSOTSup 33; Sheffield: JSOT Press, 1984), 19.

<sup>98</sup> Deuteronomy consistently refers to Sinai as Horeb except for two instances in Moses’ blessing (33:2, 16).

<sup>99</sup> Weinfeld, *Deuteronomy 1-11*, 238.

<sup>100</sup> Cf. §3.3 on national myth.

<sup>101</sup> McBride, “Polity,” 236.

Fifth, Israel's distinctive commonality is YHWH. Israel is the chosen covenant partner of YHWH, the recipient of YHWH's promises and law, unique across all other nations (4:5-8, 19-20; 32:6-9). Her association with YHWH is the focus of her national identity. All five of these aspects of nationality for Israel are inseparably tied to her relationship with YHWH. Thus, disloyalty to YHWH is Israel's ultimate national crime.

It seems clear, then, that Deuteronomy seeks to shape a nation: in David Miller's terms, "a community of people with an aspiration to be politically self-determining." While the idea of "self-determining" needs some nuance to indicate a community under YHWH,<sup>102</sup> the fact that Deuteronomy points Israel to an aspiration for its own political state should be undisputed.<sup>103</sup>

David Miller wrongly limits nationality to the modern era because he discerns a need for printed mass communication for the development of national identity.<sup>104</sup> Since nationality is a social construct across considerable expanses of population and geography, communication beyond face-to-face interactions is indeed necessary. However, as Weeks surely rightly argues, Deuteronomy and other key texts provide the basis for the concept of Israel without requiring a printing press.<sup>105</sup> Within Deuteronomy, this function is self-conscious (e.g. 6:6-9). The book is a prime cultural artifact that shapes Israel's national identity and is itself an object of mass communication.

That Deuteronomy is also a state document is even clearer—this is what McBride means by "polity." The book prescribes institutions of power and law, with executive, judicial, and cultic authorities, all under the ultimate authority of YHWH himself. As McBride puts it, Deuteronomy crosses "the political distance between a fledgling community of liberated slaves and an institutionally structured society, responsible for maintenance of civil order, economic well-being, and human rights for all of its citizens."<sup>106</sup> Patrick Miller concludes, "The constitutional character of the book as a charter for the divinely appointed socio-political order of Israel seems very clear."<sup>107</sup>

<sup>102</sup> Cf. §4.3.1.

<sup>103</sup> This is not to deny that interpretations of Deuteronomy can develop a non-political notion of Israel, as of course has been done for diaspora Israel and in Christian exegesis. However, a *prima facie* reading of Deuteronomy points to statehood.

<sup>104</sup> Miller, *Nationality*, 31. A recent monograph on ancient Jewish nationalism is David Goodblatt, *Elements of Ancient Jewish Nationalism* (Cambridge: CUP, 2006).

<sup>105</sup> Weeks, "Nationalism," 152-7. Note that Weeks' concerns are more historical than literary, but he argues for Israel's texts being foundational for the development of nationalistic ideas.

<sup>106</sup> McBride, "Polity," 236.

<sup>107</sup> Miller, "Constitution," 262. McBride and Miller are responding to views that Deuteronomy should be understood only as liturgy and homily, a view championed primarily throughout the works of von Rad. In particular, he writes, "Deuteronomy does not set out to be civil law—none of the legal codes in the Old Testament is to be understood in this way" (Gerhard von Rad, *Old Testament Theology* [trans. D. M. G. Stalker; New York: Harper & Row, 1962], 228).

In summary, Deuteronomy's implied purpose<sup>108</sup> is to create and maintain the nation-state of Israel under YHWH. This purpose requires building both the nation (the cohesive people who belong together) and the state (the institutional structures that allow the people to live and prosper through both internal and external conflict). The complex of Deuteronomy's narratives, historical remembrances, hortatory sermons, laws, promises, warnings, ceremonies of reaffirmation, etc. all work together for this purpose.

### 2.2.3 DEUTERONOMY'S ISRAEL AND THE MODERN NATION-STATE

If the modern categories of "religion" and "politics" are applied to Deuteronomy, it seems clear that both are in view, for the divine and the earthly, foundational ideas and practical realities come together in this text. But to justify my analogy between YHWH and the modern nation-state, some consideration must be given to the particular emphases of *modern* politics.

The modern state is difficult to characterize and theoreticians argue over which features are most significant. Morris proposes five characteristics that describe this relatively new and complex form of political organization: continuity in time and space, transcendence, political organization, authority, and allegiance.<sup>109</sup> For my purposes, I focus on three of Morris' characteristics: transcendence, authority, and allegiance.

Morris uses "transcendence" to mean that the modern state's political order is superior to the persons of both ruler and ruled. America is an entity that is more than the president, congressional representatives, and judges currently holding office. America continues on after they die, are impeached, or are replaced by election and appointment. America is also more than the populace, for although it is governed "by the people," the state continues as the populace changes. Likewise and much more obviously in Deuteronomy, the nation-state of Israel is more than both the people and the human leaders. It is transcendent YHWH who defines Israel, creates Israel, maintains Israel, commits himself to Israel, and judges Israel. Israel continues even if a generation perishes in the wilderness.

On authority, Morris writes,

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<sup>108</sup> I add the term "implied" to avoid complex historical questions about how the text in various forms actually functioned in the history of Israel. As placed on the plains of Moab, Deuteronomy speaks about the establishment of Israel in Canaan. As a voice speaking from a vantage point in the future (e.g. 4:25; 8:12-13; 31:20-21), Deuteronomy is concerned with maintaining Israel as YHWH's people through temptation, apostasy, and restoration. For a discussion of the question of what it means to determine the purpose of a text, with a useful consideration of Deuteronomy as the example, cf. A.D.H. Mayes, "On Describing the Purpose of Deuteronomy," *JSOT* 58 (1993): 13-33.

<sup>109</sup> Christopher W. Morris, *An Essay on the Modern State* (Cambridge: CUP, 1998), 45-6.

The state is sovereign, that is, the ultimate source of political authority in its territory, and it claims a monopoly on the use of legitimate force within its territory. The jurisdiction of its institutions extends directly to all residents or members of that territory. In its relations to other public orders, the state is autonomous.<sup>110</sup>

In modern America, the state is democratic, with sovereignty ultimately resting on the people. However, the resulting state—as in Hobbes' vision—has complete authority over every citizen, extending to life and death. Those who have experienced state power, for example upon being suspected of a serious crime, know that the modern state is overwhelmingly powerful. Centralized and absolute power (constitutional limits notwithstanding) differentiates the modern state from its feudal predecessor, where people lived within complex networks of relationships and authorities. The modern state subsumes all power within a territory under itself.<sup>111</sup> Furthermore, the state forbids the use of coercive force without its authority. In order to coerce another person, one must appeal to the state. In contrast to this complete authority *within* its territory, the classical modern state has no authority *outside of* its territory.<sup>112</sup>

In Deuteronomy, the vision for Israel does not include highly structured and hierarchical organizational structures for mediating state authority. However, YHWH and his *torah* certainly claim authority over the people of Israel. YHWH is the ultimate authority and his personality transcends every state institution. He acts according to his will, for his reasons. Like the modern state, YHWH's power is unchallengeable and every other authority is de-centered by him. Unlike the modern state, YHWH's dominion extends beyond the geography and people of Israel. Thus he can intervene in non-Israelite affairs, whether that means freeing Israel from Egyptian bondage, giving the Canaanite peoples over to defeat, bringing other nations against Israel, or rescuing Israel from exile. Furthermore, YHWH is sovereign over Israelites even when they are not dwelling in the territory of Israel. An Israelite is bound to YHWH even in a far off land, regardless of any local authority, as demonstrated in both exile and dispersion. This global aspect of YHWH's authority leads to the need to be flexible in my analogy with the modern state. In some places, I refer to a single modern state and its people. In others, I refer to the global nation-state system as structured by multinational organizations. Both will be useful for illuminating Deuteronomy's concerns.

On allegiance in the modern state, Morris writes,

<sup>110</sup> Morris, *Essay*, 45.

<sup>111</sup> On the shift from networks of authorities to a single authority within a territory. cf. Morris, *Essay*, 33-41.

<sup>112</sup> The relatively new phenomena of globalization and multi-national power structures (e.g. United Nations, European Union, World Bank) have modified this situation to a substantial degree. Whether globalization is seen as a competitor to the modern state system or its ultimate fulfillment is a matter of disagreement.

The state expects and receives the loyalty of its members and of the permanent inhabitants of its territory. The loyalty that it typically expects and receives assumes precedence over that loyalty formerly owed to family, clan, commune, lord, bishop, pope, or emperor. Members of a state are the primary subjects of its laws and have a general obligation to obey by virtue of their membership.<sup>113</sup>

As will be developed throughout this work, the modern state expects exclusive allegiance. Allegiance is closely tied to authority, but different. Allegiance means acting in the interest of one's state and never prioritizing other states to the detriment of one's own. In its starkest form, a modern state can compel its citizens to fight and die for its interests while forbidding that they fight and die for any other interests. Dual citizenship, while permitted, is discouraged because it implies divided loyalty. Americans can lose their citizenship by demonstrating loyalty to another state through serving in high government office or as a military officer of another state. As discussed above (§2.1.1), religion is not allowed to compete with the modern state's authority.

In Deuteronomy's Israel, YHWH demands complete loyalty to himself, as is emphasized by the first commandment, the *shema*, and throughout Deuteronomy. This theme is further developed in §2.3.1 below.

While I have emphasized similarities, the differences between YHWH of Deuteronomy and the modern state should not be underestimated, especially when the particular form of the modern state as a constitutional democracy is considered. In particular, the modern state has a fundamental anthropology of all human beings being autonomous and equal. The state moderates this autonomy in order to bring about the commonly agreed-upon good of peace. YHWH, on the other hand, has chosen Israel out of all peoples to be different and his own possession, neither equal to other peoples nor autonomous. Also, in a constitutional democracy the people ultimately construct and critique the state, limiting its power through constitutional constraints. YHWH acts out of his own interests and constructs the state according to his own desire with no external constraint controlling him, though he is not unresponsive to his people.

Despite substantial differences, the considerable similarity between YHWH of Deuteronomy and the modern state, particularly in reference to allegiance and authority, suggests that Deuteronomy and the modern state might usefully illuminate one another in these regards.

Before concluding this discussion of Deuteronomy's connection between the religious and the political, one final point deserves mention. While the modern West largely sees religion as a matter of private, individual concern, Deuteronomy—particularly with regard to YHWH's threats—sees religion as a primary national

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<sup>113</sup> Morris, *Essay*, 45-6.

concern. Individual deviation from exclusive loyalty to YHWH is one of Deuteronomy's concerns (cf. 17:2-7; 29:18-21). However, as will be seen throughout, it is the possibility of *national* deviation that prompts YHWH's threats to destroy the nation.<sup>114</sup> All are exhorted to devote themselves to YHWH, as individuals and as a collective,<sup>115</sup> and the entire nation is threatened with destruction if "you" (both singular and plural) turn away from YHWH and his commandments. Religion in Deuteronomy is a definitively public affair with every Israelite bearing a measure of responsibility.

### 2.3 OTHER GODS, DIVINE ANGER, AND DESTRUCTION

YHWH's threats against Israel in Deuteronomy orbit his primary command: that Israel show loyalty to him alone. As exclusive loyalty is demanded in ANE suzerainty treaties and as threats of destruction back this demand (cf. §2.2.1), YHWH demands and threatens in a similar manner. In this section, I present an overview of the primacy of the first commandment in Deuteronomy and then summarize the connection between "other gods," YHWH's anger, and Israel's destruction in the book.

#### 2.3.1 PRIMACY OF THE FIRST COMMANDMENT IN DEUTERONOMY

The decalogue claims a privileged status in Deuteronomy. In a book of speeches by Moses, it is spoken by YHWH to Israel, "face to face" (פָּנִים בְּפָנִים, 5:4).<sup>116</sup> Occupying a privileged place within the decalogue itself is the first portion (5:6-10), comprising the prologue (5:6), first (5:7), and second commandments (5:8-10), according to the labeling of the Reformed tradition. Only this portion of the decalogue is presented with reference to YHWH in the first person.<sup>117</sup> McBride views these verses as a unified "first word," "a succinct, integrated formulary of the covenant between the LORD and 'all Israel.'" <sup>118</sup> He divides the verses into three parts: personal declaration (5:6), three negative injunctions (5:7-9a), and causal conclusion (5:9b-10).

The personal declaration introduces the entire decalogue, but particularly this first word. It is YHWH of Israel's exodus who asserts himself relative to any other gods. As Miller describes it, "That decisive act of leading out, which was the overthrow

<sup>114</sup> Unless indicated otherwise, I hereafter use "nation" to refer to the people (עַם) rather than in technical distinction to "state."

<sup>115</sup> The perplexing *Numeruswechsel* (the idiosyncratic shifts between second person singular and plural forms) of Deuteronomy, if nothing else, reflect that Israel is conceived as both a group of individuals and a single entity.

<sup>116</sup> On the overall significance of this, cf. Ernest W. Nicholson, "The Decalogue as the Direct Address of God," *VT* 27:4 (1977): 422-33.

<sup>117</sup> S. Dean McBride, "The Essence of Orthodoxy: Deuteronomy 5:6-10 and Exodus 20:2-6," *Int* 60:2 (2006): 137. Though cf. n.124.

<sup>118</sup> McBride, "Essence," 141.

of the divine-human ruler, the king of Egypt, was the abrogation once and for all of any human rule or other divine claims over the final allegiance of this people.”<sup>119</sup>

The three prohibitions form a single unit.<sup>120</sup> The plural pronouns of the third prohibition, “bow down before them or worship them” (5:9), must refer to the אלהים אחרים of the first (5:7), linking the prohibitions together. The singular פסל (“idol”) of the second prohibition cannot be the antecedent.<sup>121</sup> Israel is not to have other gods (5:7), make an idol (5:8), or bow down and serve any of them (5:9a). As is apparent throughout this study, the serving of “other gods” and idols are similarly grave offenses to YHWH.

It is difficult to know precisely what is meant in the first prohibition by “hav[ing]” other gods (יהיה־לך אלהים אחרים) and what relationship relative to YHWH is prohibited by the phrase על־פני (“beside me” [spatial]; “except for me”; “in addition to me,” “to my disadvantage”; “in front of me”; “in my presence”; “to spite me,” “in defiance of me”).<sup>122</sup> However, the force is clear: have nothing to do with any other god than YHWH. The second prohibition focuses particularly on material images without specifying whether of YHWH or other gods. However, as Tigay argues, “Since idolaters often spoke of idols as if they were gods, not merely symbols of gods, and since the Bible insists that no statue can be the Lord, it considers any idol as de facto another god no matter whom or what the worshiper identifies it with.”<sup>123</sup> The third prohibition focuses the issue of the first two by highlighting the offense: bowing down (חוה, *hishtaphel*) and serving (עבד) them.

After a causal כִּי, the conclusion repeats the opening words of the personal declaration: אנכי יהוה אלהיך (“I am YHWH your God”). But rather than continuing with words of beneficence as in 5:6, this time YHWH is the “jealous God” (אל קנא) who brings multigenerational punishment (פקד עון) on those who hate him (לשנאי). The conclusion ends on the emphatic positive side of the formula, with YHWH showing steadfast love (חסד) to those who love him and keep his commandments (לאהבי ולשמרי מצותו).<sup>124</sup>

YHWH’s self-description as jealous (5:9) refers to the exclusivity demanded in the prohibitions. McBride incisively observes that YHWH both claims to be Israel’s

<sup>119</sup> Miller, “Most,” 23.

<sup>120</sup> McBride’s label of “chiasm” is perhaps not the best (McBride, “Essence,” 142-3).

<sup>121</sup> Walther Zimmerli, “Das zweite Gebot,” in *Gottes Offenbarung: gesammelte Aufsätze zum Alten Testament* (TB 19; München: C. Kaiser, 1963), 236-8. It is common to discern the later insertion of the second prohibition based on this grammatical observation, e.g. Brevard S. Childs, *Exodus: A Commentary* (OTL; London: SCM, 1974), 404-9.

<sup>122</sup> Weinfeld, *Deuteronomy 1-11*, 276-7.

<sup>123</sup> Tigay, *Deuteronomy*, 65, emphasis original.

<sup>124</sup> The third person מצותו is the *kethib*; the *qere* reads מצותי.

only God and “the sole, vigilant, and discriminating guarantor of the covenant’s continuing efficacy.”<sup>125</sup> The prime requirement of the covenant—Israel’s loyalty—is joined to the prime promise/threat: YHWH’s covenant commitment or destructive power. It is exactly this latter response that is the focus of the present work. Because of their tight interconnection, I will refer subsequently to the prohibitions against other gods and idols together as “the first commandment.” I will also refer to any offense against these prohibitions as “idolatry.”

The primacy of the first commandment is reflected in positive terms by the *shema* (6:4).<sup>126</sup> The prohibition of other gods in the first commandment is mirrored by the exclusivist proclamation of the *shema* that YHWH is the one and only for Israel. Although there is a long tradition for understanding the *shema* as a statement of monotheistic reality, its primary concern is Israel’s exclusive loyalty to YHWH.<sup>127</sup>

The primacy of the first commandment is further demonstrated by its prominence within Moses’ introductory sermonic material. The sermon of Deut.4, providing a transition between the historical introduction of Deut.1-3 and the decalogue of Deut.5, focuses on the incomparability of YHWH and the inappropriateness of idols for Israel.<sup>128</sup> Warnings against following other gods (including making idols) also occur in the sermons of 6:10-15, ch.7, ch.8, the golden calf remembrance (9:1-10:11), and the final sermon introducing the detailed statutes (10:12-11:32). These introductory materials also refer to the singular and definite *הַמִּצְוָה* (“the commandment,” 6:1, 25; 7:11; 8:1; 11:8, 22; also 30:11), which corresponds to the basic stipulation of allegiance, as in ANE treaties.<sup>129</sup>

The problem of other gods receives further prominence in the stipulations that begin with Deut.12. As the first of the statutes, Israel must destroy the places where the peoples of the land worshiped their gods (12:2-3; cf. vv.29-31). The next series of laws concern those who would incite Israel to follow other gods (Deut.13).<sup>130</sup> Further appearances of “other gods” occur in the specification of the death penalty for individuals following them (17:2-7) and for prophets speaking in their name (18:20).

<sup>125</sup> McBride, “Essence,” 143.

<sup>126</sup> Miller, “Most,” 18.

<sup>127</sup> R.W.L. Moberly, “Toward an Interpretation of the Shema,” in *Theological Exegesis: Essays in Honor of Brevard S. Childs* (ed. Christopher Seitz and Kathryn Greene-McCreight; Grand Rapids: Eerdmans, 1999), 132-3. As Moberly argues, although “alone” is not the best translation of *אֶחָד* (R.W.L. Moberly, “‘YHWH is One’: The Translation of the Shema,” in *Studies in the Pentateuch* [ed. John Adney Emerton; New York: Brill Academic, 1990], 209-15), it is a good interpretation. Miller agrees that the unity of God is not the issue within Deuteronomy but offers some historical evidence for the tendency to divide YHWH by associating him with particular places (Miller, “Most,” 21-2).

<sup>128</sup> Deut.4 is discussed in detail in ch.4. Note that Miller characterizes Deut.4 as a commentary on the prologue and first two commandments of the decalogue (Miller, “Most,” 24).

<sup>129</sup> Weinfeld, *Deuteronomy 1-11*, 326; cf. Weinfeld, *Deuteronomism*, 65-91; Tigay, *Deuteronomy*, 169.

<sup>130</sup> Deut.13 is discussed in detail in ch.5.

The “other gods” also feature in the concluding material of Deuteronomy. The blessings of Deut.28 equate the worship of other gods with turning from the words of YHWH’s commandments (28:14). By implication, the primary offense that precipitates the curses is following other gods.<sup>131</sup> They appear in the portrayal of later generations and foreigners marveling at Israel’s destruction, where they conclude that the wasted land is a result of Israel following other gods (29:21-27 [Eng.22-28]). In his final appeal to Israel for obedience to YHWH (30:15-20), Moses contrasts obedience to YHWH with worshipping and serving other gods (30:17).

Finally, as Moses prepares for his death, YHWH informs him that Israel will disobey the first commandment: “Then this people will begin to prostitute themselves to the foreign gods in their midst, the gods of the land into which they are going; they will forsake (עזב) me, breaking (פרר, *hiphil*) my covenant that I have made with them” (31:16). It is violation of the first commandment that implies abandonment of YHWH and breaking the covenant. YHWH teaches Israel a song through Moses (31:19-21) that will explain their transgression to them. The primary accusation of the song is Israel’s association with gods other than YHWH (32:16-17).<sup>132</sup>

### 2.3.2 OTHER GODS, ANGER, AND DESTRUCTION

This study is concerned particularly with what happens when the first commandment is broken. The “other gods” feature prominently in Deuteronomy’s depiction of YHWH’s threats against Israel. There is an anxiety about these “other gods.” On the one hand, YHWH is patently unchallengeable. On the other, “only the fragility of YHWH’s covenantal lordship can account for this nervousness and defensiveness with the presence of an alternative to him and his cult.”<sup>133</sup> Deuteronomy is careful not to dwell upon the reality and potency of these gods, rendering them in shadowy terms with little elaboration. Their outstanding feature is that they are *other* than YHWH. But the possibility of Israel turning to other gods is treated with utmost seriousness. Although subsequent chapters will look at key passages in detail, it is helpful to provide an overview at this stage.

YHWH’s threats against Israel are coextensive with turning to other gods. The basic pattern and terminology is illustrated by 6:13-15:

The LORD your God (יהוה אלהיך) you shall fear; him you shall serve, and by his name alone you shall swear. Do not follow other gods (לא תלכוּן אחרֵי אלהים אחרים), any of the gods of the people who are all around you, because

<sup>131</sup> Deut.28 is discussed in detail in ch.6.

<sup>132</sup> Deut.32 is discussed in detail in ch.4.

<sup>133</sup> Levenson, *Creation*, 139.

the LORD your God, who is present with you, is a jealous God. The anger (אף) of the LORD your God would be kindled (יחרה) against you and he would destroy you (והשמירך) from the face of the earth.

Four features of this text deserve comment. First, the problem is described in terms of disloyalty to YHWH, expressed by loyalty to another. A specific term for loyalty (“follow”; הלך אחרי; cf. §2.2.1) is used. Second, the object of illegitimate loyalty is “other gods” (אלהים אחרים), a direct contradiction to YHWH being “your God” (אלהיך/כס). Third, YHWH’s response is kindling (חרה) of anger (אף). Fourth, YHWH’s anger leads him to destroy (שמד, *hiphil*) her.

A survey of the appearances of some key terms establishes the consistency of this formula.<sup>134</sup> The terminology for loyalty was presented in §2.2.1 above and need not be discussed further here. The primary noun for anger, אף, occurs twelve times in Deuteronomy.<sup>135</sup> In every case, YHWH’s אף is provoked by Israel (or some individual or individuals within Israel) turning to another god or gods. In all but two cases, the result of YHWH’s anger is devastating destruction for the nation of Israel; YHWH’s אף concerns national disloyalty and national destruction, not that of individuals. The two exceptional cases prove the rule. Deuteronomy 13 is concerned with those who incite Israelites to follow other gods.<sup>136</sup> This less-than-national disloyalty provokes YHWH’s anger, but he is patient to wait for Israel to handle the case properly, which involves the horrible necessity of killing the offenders, even possibly the population of an entire city. Proper execution of YHWH’s law in is necessary “so that the LORD may turn (ישוב) from his fierce anger (מחרין אפיו) and show you compassion” (13:18 [Eng.17]). Disloyalty provokes YHWH’s anger but Israel’s obediently quelling it before it reaches a national scale cools it again. The second exceptional case (29:17-20 [Eng.18-21]) concerns individual disloyalty and, because of its complexity, will be deferred for more careful consideration in §5.3 below.

Terms of secondary importance for YHWH’s anger also confirm the pattern. Israel is often characterized as “provoking” YHWH (בעט; both verbal and nominal forms). Of its eight occurrences in Deuteronomy, six describe Israel angering YHWH by following other gods.<sup>137</sup> In all six cases, the result is Israel’s national destruction.

<sup>134</sup> Cf. Dennis J. McCarthy, “The Wrath of Yahweh and the Structural Unity of the Deuteronomistic History,” in *Essays in Old Testament Ethics (J. Philip Hyatt, In Memoriam)* (ed. James L. Crenshaw and John T. Willis; New York: KTAV, 1974), 97-110 and Lohfink, “Zorn,” on various formulae for divine wrath and their structural use in the so-called Deuteronomistic History.

<sup>135</sup> 6:15; 7:4; 9:19; 11:17; 13:18 (Eng.17); 29:19, 22, 23, 26, 27 (Eng.20, 23, 24, 27, 28); 31:17; 32:22. It occurs one additional time (33:10), but there has its literal meaning of “nostril.” Note that the unrelated particle אף also occurs seven times (2:11, 20; 15:17; 31:27; 33:3, 20, 28).

<sup>136</sup> Deut.13 is discussed in detail in ch.5.

<sup>137</sup> 4:25; 9:18; 31:29; 32:16; 32:19; 32:21. A recent monograph (Samantha Joo, *Provocation and Punishment: The Anger of God in the Book of Jeremiah and Deuteronomistic Theology* (BZAW 361; Berlin: Walter de Gruyter, 2006) considers the use of בעט in Jeremiah and the “Deuteronomistic History”

The two different occurrences involve YHWH provoking Israel (32:21) and YHWH's concern about being provoked by Israel's enemies (32:27). Another term for YHWH's anger is קצף ("to be angry" or "anger" in its nominal form), which occurs six times in Deuteronomy. In 1:34 it refers to the first generation of the exodus refusing to take the land, leading to their death in the wilderness (1:35; cf. 2:15). In two cases, it refers to the golden calf apostasy (9:8, 19). In two more, it likens other wilderness rebellions to the case of the golden calf (9:7, 22). Finally, in 29:27 (Eng.28) it refers to the envisioned future worship of other gods (29:25 [Eng.26]) and resulting national destruction of exile (29:27 [Eng.28]). Although the wilderness rebellions do not concern other gods, the refusal to take the land is a national rebellion resulting in national destruction and the other rebellions are compared with the golden calf apostasy to liken them to following other gods and the threat of destruction that results.<sup>138</sup> The verb חרה ("burn") appears five times in Deuteronomy and indicates in every case the divine response to Israel turning to other gods.<sup>139</sup> The noun חמה ("heat, anger") appears five times: thrice indicating divine anger over Israel turning to other gods<sup>140</sup> and twice referring to the destructive power of animals.<sup>141</sup> Finally, אנה (hithpael, "to be angry") occurs four times. It appears twice in reference to Moses' crime—unspecified in Deuteronomy—that prevents his entry into the land (1:37; 4:21), though with the latter being in a context of Israel's idolatry.<sup>142</sup> Its other two appearances concern Israel's golden calf apostasy (9:8, 20). Thus, the terms for divine anger in Deuteronomy are used primarily to indicate a response to Israel turning to other gods.

Terminology for destruction appears frequently in Deuteronomy, with שמד (29×) and אבד (24×) being the primary roots. The root שמד is used primarily for the destruction of a nation except for two cases where it refers to killing individuals within the nation.<sup>143</sup> It appears four times in historical notes about nations being displaced by other nations, usually attested as being at YHWH's hand.<sup>144</sup> It refers seven times to Israel destroying other nations through YHWH's power.<sup>145</sup> In the majority of cases, fifteen, it refers to the destruction of the nation of Israel for following other gods.<sup>146</sup> In

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as a pivot between Israel's sin and YHWH's punishment, with a diachronic analysis of changes in its usage.

<sup>138</sup> These rebellions might be understood as akin to worshipping other gods from the standpoint of disloyalty to YHWH's power and care (cf. §7.5).

<sup>139</sup> 6:15; 7:4; 11:17; 29:26 (Eng.27); 31:17.

<sup>140</sup> 9:19; 29:22, 27 (Eng.23, 28).

<sup>141</sup> 32:24, 33.

<sup>142</sup> The former is in the context of the Kadesh-barnea incident. On its connection to serving other gods, cf. §7.5.

<sup>143</sup> Israelites who followed the Baal of Peor (4:3); Aaron for his role in the golden calf apostasy (9:20).

<sup>144</sup> 2:12, 21, 22, 23.

<sup>145</sup> 7:23, 24; 9:3; 12:30; 31:3; 31:4.

<sup>146</sup> 4:26 (2×); 6:15; 7:4; 9:8, 14, 19, 25; 28:20, 24, 45, 48, 51, 61, 63.

all but the curse passage of Deut.28, Israel's destruction is connected to YHWH's anger. The root **אבד** refers to YHWH's destruction of Israel's enemies five times,<sup>147</sup> Israel's destruction of idolatry within the land three times,<sup>148</sup> the destruction of Israelites hating YHWH once,<sup>149</sup> and twelve times to the destruction of the nation of Israel for following other gods.<sup>150</sup> In three additional cases, **אבד** has its more basic, literal meaning of lost, wandering, or void.<sup>151</sup> Another term for destruction, **שחת** ("corrupt"), is important, but is used in a more nuanced fashion to describe Israel losing her identity as YHWH's people. It is discussed in context in §§3.2.2 and 4.1.2.2. The term **חרם** ("devote to the ban") is important in Deuteronomy, but primarily refers to other nations. It occurs 11 times in the book, seven times in reference to Israel destroying other nations.<sup>152</sup> In a pair of occurrences, it refers to the total destruction of an Israelite city that follows other gods.<sup>153</sup> In a final pair of occurrences, it refers to the danger banned objects pose to Israel, who risks becoming likewise banned.<sup>154</sup> Thus, the term expresses the danger of likeness to other nations in worship developing into likeness in their destruction.<sup>155</sup>

From this overview of terminology usage, it becomes clear that YHWH's threats of national destruction against Israel within Deuteronomy are quite narrowly focused. While general disobedience to YHWH's commands is sometimes cited as the trigger (e.g. 28:15), the overwhelming concern in the text is Israel's rejection of the first commandment. Israel's turning to other gods provokes YHWH's anger, resulting in destruction of the nation. It is important to note at the outset that "destruction" (**שמד**, **אבד**) does not seem to imply utter extinction of every individual within a nation, but instead the elimination of a nation as a political entity. This "limited" destruction is implicit in the historical notes of nations being displaced by others in war (2:12, 21-23). It is also clear in the places where "destruction" involves deportation or scattering (e.g. 4:26-28; 28:61-68).

While on the topic of Hebrew terminology, I add a note about the English term "violence." I occasionally refer to YHWH's acts of destruction in this way because many of these acts would be characterized as "violent" by modern readers. However, in the biblical context, the Hebrew noun **חמס** is never predicated of YHWH; so reference

<sup>147</sup> 7:20, 24; 8:20; 9:3; 11:4.

<sup>148</sup> 12:2 (2×; referring to the objects of idolatrous worship); 12:3 (referring to the names of the gods).

<sup>149</sup> 7:10.

<sup>150</sup> 4:26 (2×); 8:19 (2×), 20; 11:17; 28:20, 22, 51, 63; 30:18 (2×). In most of these cases, YHWH's anger is not mentioned.

<sup>151</sup> 22:3; 26:5; 32:28.

<sup>152</sup> 2:34; 3:6 (2×); 7:2 (2×); 20:17 (2×).

<sup>153</sup> 13:16, 18 (Eng.15, 17); discussed in more detail in §5.2.2.3.

<sup>154</sup> 7:26 (2×).

<sup>155</sup> One additional term for destruction, **נכה** ("strike"), is used more generally and is not considered here.

to “YHWH’s violence” is in a sense improper within the OT frame of reference. Understanding YHWH’s threats in Deuteronomy requires constant vigilance on the ideas behind such words.

It is important to note that Deuteronomy’s depiction of YHWH is highly metaphorical, as is all human language of the divine and as is, according to some, all language. In the present context, the anthropomorphic terms associated with anger and jealousy are particularly striking. While such language might be understood to convey something of YHWH’s nature, for present purposes the emphasis is much more on communicating relational realities between YHWH and Israel. Anger communicates YHWH’s response to Israel’s disloyalty in terms of ruptured relationship. Jealousy communicates YHWH’s forceful demand that Israel give him exclusive loyalty. Metaphorical in another sense are YHWH’s threats to destroy Israel, for YHWH’s destructive force always flows through tangible agents, whether drought, disease, madness, or—most commonly—foreign armies. These “natural” agents are interpreted in Deuteronomy as agents of YHWH, wielded by him for his purposes. Despite these linguistic moves of interpretation that may “soften” the characterization of YHWH somewhat, I take seriously YHWH’s relational dynamic and sovereign power—both threatened and realized—as expressed within this metaphorical language.

שָׂכַל זְמַן שְׂעִיז בְּעוֹלָם  
חֲרוֹן אַף בְּעוֹלָם

*For as long as idolatry (exists) in the world,  
(His) fierce anger (will exist) in the world*

*—Rashi on Deut. 13:18*

## Chapter 3

# The Basic Threat: Idolatry and Destruction

### 3.1 INTRODUCTION: THE ALIEN CATEGORY OF IDOLATRY

The golden calf incident is familiar to most modern Bible readers. Occurring twice (Exod.32-34 and Deut.9-10), it tells of Israel's turning away from YHWH in the context of receiving the decalogue. While Moses is with YHWH on the mountain, receiving the tablets of the law, Israel breaks that law by fashioning a molten image. In his anger, YHWH determines to wipe out Israel and begin a new nation from Moses. Moses intercedes for Israel and convinces YHWH to continue his plan with disloyal Israel. YHWH relents and Israel continues her movement toward the promised land.

The story is of great theological significance. As Moberly notes, it raises and answers a critical question:

Israel has only just been constituted a people, God's chosen people, yet directly it has sinned and incurred Yahweh's wrath and judgment.... How, before God, can a ... sinful people, even God's chosen people (in particular), exist without being destroyed? ... The answer is given that if the sin is answered solely by the judgment it deserves, then there is no hope. But in addition to the judgment there is also mercy, a mercy which depends entirely on the character of God and is given to an unchangingly sinful people.<sup>1</sup>

While Moberly's summary rings plausible and familiar, upon reflection it grows odd and foreign to modern Western readers, for idolatry is an alien idea. What is the

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<sup>1</sup> R.W.L. Moberly, *At the Mountain of God: Story and Theology in Exodus 32-34* (JSOTSup 22; Sheffield: Sheffield Academic, 1983), 92.

significance of Israel's idol worship? And why does it incur YHWH's threat of destruction? It is fine to point out that Israel "has sinned" and that she has "incurred Yahweh's wrath and judgment," but these categories are largely unavailable to modern Western readers. What is it about the golden calf that makes it the paradigmatic sin? Surely, one may say, other prohibited activities, such as murder, are more heinous and destructive than dancing around a statue. What is this "judgment [the sin] deserves" that leads to "no hope"? Why does idolatry so powerfully provoke YHWH?

Considering the purpose of this passage, von Rad writes, "The Israel which faces its God today with the same rebelliousness as it did then must learn from past events and become conscious of its own threatening situation."<sup>2</sup> But why was this situation so threatening? If a modern Western reader desires at any existential level to "become conscious" of the threat that Israel faced, then the nature of Israel's action and YHWH's reaction must be grasped in modern terms that have "comparable seriousness...within our cultural horizons."<sup>3</sup>

This threat of obliteration—mass capital punishment—because of a cultic misdeed flies in the face of the tenet of religious toleration upon which modern Western society is built.<sup>4</sup> Is YHWH unaware of the hard-won modern lesson of the destructiveness of religious intolerance and the glorious result of liberal government that allows each citizen the right to worship as seems personally right? Modern society peacefully celebrates the various spiritual ways of different people. YHWH readies divine fury for those of his people who choose any way but his. As Carroll observes, because of such gaps between the text and modern values "the Bible deconstructs itself for the modern reader."<sup>5</sup> Are there any bridges that can enable a modern reader to explore the territory on the other side of the gap?

In this chapter, I seek to build a bridge between this biblical story and the modern world by engaging YHWH's dramatic response to this idolatry. In particular, I argue that Moses presents his version of this story to Israel as a "national myth," a formative story that establishes Israel's identity as a nation under YHWH. Within these categories, Israel's idolatry amounts to treason against her sovereign. YHWH's threat of destructive force against the idolaters can then be understood in terms of modern punishment for treasonous acts.

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<sup>2</sup> Von Rad, *Deuteronomy*, 77.

<sup>3</sup> Cf. Lash, §1.3.4 n.48.

<sup>4</sup> Cf. §4.3.3.1 on religious freedom in the modern West.

<sup>5</sup> Carroll, *Wolf*, 86.

I begin with an examination of the biblical text.<sup>6</sup> I then argue that the golden calf remembrance operates within Deuteronomy as a national myth. Finally, I address the question of YHWH's response to Israel's idolatry by drawing an analogy with the modern state's responses to treason.

### 3.2 DEUTERONOMY 9-10: THE GOLDEN CALF

#### 3.2.1 CONTEXT, BOUNDS, UNITY, AND STRUCTURE

The remembrance of the golden calf in 9:7-10:11 is situated in the canon within several levels of context. In its immediate context, it serves as an illustrative example for the sermonic warning of 9:1-6.<sup>7</sup> In this sermon, Moses looks ahead to the formidable enemies and defended cities Israel will face across the Jordan. But she should not tremble at the saying, "Who can stand up to the Anakim?" (9:2), for YHWH, the devouring fire, is crossing over before Israel and will quickly defeat them (9:3). The natural result of this supernatural victory will be for Israel to grow self-important, to consider herself the deserving recipient of the land (9:4). Moses disagrees, asserting that there are two reasons for Israel's success: the wickedness of the Canaanites and YHWH's promise to the patriarchs (9:5). He makes no comparison between the wickedness of the dispossessed and possessing nations; he only asserts that the Canaanites are wicked and that Israel is not righteous (צַדִּיק). To clarify what he means by Israel being not righteous, Moses says, "you are a stubborn people" (עַם־קָשָׁה־עֲרֵף) (אִתָּהּ, 9:6), which means that Israel habitually refuses to be led by YHWH. Israel has a long history of rebellion, as the remembrance of the golden calf well illustrates.

In the larger context, the sermon of 9:1-10:11 is one of three sermons of warning to Israel. In Deut.7, Israel is commanded to devote the Canaanites to the ban (חֵרֵם), which might imply that she is more powerful and numerous than them (cf. 7:17). But Moses assures her that she is weak: "It was not because you were more numerous than any other people that the LORD set his heart on you and chose you—for you were the fewest of all peoples" (7:7). This is no problem, for YHWH is mighty, as he demonstrated in his triumph over Pharaoh (7:18-19). Israel must balance her self-weakness with the strength of YHWH. In the second sermon (Deut.8), Israel is urged to remember in her coming riches the lesson she learned in her wilderness poverty. In the

<sup>6</sup> Although the relationship to the Exod.32-34 account is significant, I focus primarily on the Deuteronomy account.

<sup>7</sup> Von Rad usefully notes the change in genre between this historical recollection and the series of sermons preceding it. However, attempts to piece it together with the other historical sections of Deuteronomy (chs. 1-3; 4:10ff.) lead to inconclusive results and are not particularly helpful for understanding the final form of the text (cf. von Rad, *Deuteronomy*, 77).

wilderness, she learned that true life is not measured in material prosperity alone. True life for Israel includes dependence on YHWH in addition to dependence on bread (8:3). When she is rich with the prosperity of the land (8:7-9), the question remains whether she will “bless the LORD your God for the good land that he has given you” (8:10), or say, “My power and the might of my own hand have gotten me this wealth” (8:17). Israel cannot live apart from YHWH: “If you do forget (אם־שכח תשכח) the LORD your God and follow other gods to serve and worship them ( והלכת אחרי אלהים אחרים ) (ועברתם והשתחוו להם אבר ) (חאברון)” (8:19).

In a wider context, Deut 6:1-10:11 is an exposition of the first commandment.<sup>8</sup> What is meant by, “I am the LORD your God, who brought you out of the land of Egypt, out of the house of slavery; you shall have no other gods before me” (5:6-7)? How is Israel to remember “the LORD is our God, the LORD alone” (6:4)?<sup>9</sup> What does it mean to “love the LORD your God” (6:5)? These sermons raise particular challenges Israel will face in offering undivided loyalty to YHWH.

The entire outer frame of the book of Deuteronomy wrestles with the problem of Israel’s faithlessness to her covenant commitment to YHWH. Deuteronomy 1 shows YHWH faithfully multiplying Israel in numbers according to his promise (1:10-11) but Israel rebelling against his command to take the land (1:26). Deuteronomy 2-3 shows YHWH faithfully defeating Israel’s enemies before her (2:18-3:22) but Moses being refused entry into the land (3:23-26). The sermon of Deut.4 exhorts Israel to pure obedience (4:1-2) but ominously warns of the possibility of idolatry and exile in her future (4:25-28). As noted, Deut.5-10 highlights the problems of Israel obeying the most important commandment, followed by a final exhortation in 10:12-11:32 that reaches its peak in the polarized choice between blessing and curse (11:26-28). After the law corpus of Deut.12-26, the choice between blessings and curses resumes in Deut.27-28. Moses’ third and final address brings together again the themes of covenant disobedience (29:18-29), restoration (30:1-10), and a summons to obedience (30:11-20). In a final appendix, Moses walks off the stage with YHWH faithfully appointing Joshua to succeed him (31:7-8, 14) while assuring Moses that Israel will be disloyal after his death (31:16). But she will be restored through the Song of Moses (31:19-22; 32). Within this larger context, it is the golden calf remembrance that functions to focus on the problem of Israel’s covenant faithlessness, to assure her of YHWH’s commitment, and to balance these two opposing forces.

<sup>8</sup> Cf. §2.3.1.

<sup>9</sup> Cf. ch.2 n.127.

Finally, the largest literary context of the story is the canonical history—both antecedent and subsequent—of Israel. Earlier in the canonical story, the initial telling of the golden calf apostasy in Exod.32-34 is reshaped here for the purposes of Deuteronomy. But beyond this single incident, knowledge of the Israel's rebellions in the wilderness is assumed (cf. Deut.9:22-23). Later in the canonical story, Jeroboam's parallel fashioning of golden calves as objects of worship in the northern kingdom of Israel (1Kgs.12:28) leads inexorably to its destruction by Assyria (2Kgs.17:6-23; cf. §7.4.2.4). The combination of observing this downfall and recovering the admonitions of Deuteronomy leads Josiah to his campaign of reformation against idolatry in Judah (2Kgs.23:1-20).<sup>10</sup> Indeed, Judah's precarious balance in Babylonian exile between life and death (2Kgs.25) seems to await a Mosaic intercessor to bring about renewed covenant between YHWH and his wayward people.

What are the bounds of the text for consideration? The transition from sermon to story occurs with the imperative, "Remember" (9:7), which moves from the general idea of remembering Israel's rebelliousness to the particular story of the golden calf (9:8).<sup>11</sup> The transition back to sermonic material occurs in 10:12 with the inference-drawing phrase *ועתה* ("So now"),<sup>12</sup> the vocative "O Israel," and the rhetorical question, "What does the LORD your God require of you?" (10:12). Thus, I take the extent of the text to be 9:7-10:11.

Commentators disagree about the structure of the golden calf remembrance. The most promising structural markers, noted by Lohfink, are the five references to "forty days" (9:9, 11, 18, 25; 10:10) and four references to "fire" (9:10, 15, 21; 10:4).<sup>13</sup> However, as McConville notes, this approach ignores significant portions of the text, and furthermore it is more appropriate to view the 9:11 occurrence as closing the first section than beginning the second.<sup>14</sup> Also problematic are the two "interludes" of 9:22-24 and 10:6-9. The former breaks the story to draw comparisons with other examples of Israel provoking YHWH. Many translators view the latter as extraneous enough to be rendered in parentheses. Though source critics find the complexity of this text to be

<sup>10</sup> Based on its result, it is most likely that the book found by Hilkiah in 2Kgs.22:8 bears a strong resemblance to portions of Deuteronomy.

<sup>11</sup> Although sometimes seen as a digression (Richard D. Nelson, *Deuteronomy: A Commentary* [OTL; Louisville: Westminster John Knox, 2002], 118-9), the remembrance provides the decisive illustration of Moses' sermonic point.

<sup>12</sup> Referring to the covenant treaty form of Exod.19:3-6; Deut.1-4:40; 10:12; Josh.24; Neh.9-10, Brongers notes the importance of this term: "...die Grundsatzklärung immer von dem adverbialen *w'attāh* eingeleitet wird, das den Schluss aus der Vorgeschichte zieht" [...the basic covenant formulation is always introduced by the adverb *w'attāh*, which draws the conclusion from the prehistory] (H. A. Brongers, "Bemerkungen zum Gebrauch des adverbialen *w'attāh* im Alten Testament," *VT* 15 [1965]: 290).

<sup>13</sup> Norbert Lohfink, *Das Hauptgebot: Eine Untersuchung literarischer Einleitungsfragen zu Dtn 5-11* (AnBib 20; Rome: Pontifical Biblical Institute, 1963), 214-6.

<sup>14</sup> McConville, *Deuteronomy*, 180.

indicative of different literary layers,<sup>15</sup> I agree with Nelson that “in spite of this complexity, the final form of the text still works as a narrative,”<sup>16</sup> with the exegesis offered below hopefully demonstrating this.

I structure the text according to the dramatic movement of the story and its function within the sermonic context: summary (9:7-8), covenant established (9:9-11), covenant broken (9:12-17), Moses’ intercession and Israel’s history of rebellion (9:18-24), Moses’ words of intercession (9:25-29), covenant re-established (10:1-9), and conclusion (10:10-11).<sup>17</sup>

### 3.2.2 EXEGESIS

#### 3.2.2.1 Summary (9:7-8)

The summary of the historical narrative is prefaced with the double imperative: “Remember and<sup>18</sup> do not forget” (זָכַר אֶל־תִּשְׁכַּח, 9:7). This is no passing story among many others, but a foundational one. Neither is it for individuals to recall at convenient times, but for the formation of the entire nation across all time. The particular memory has both a broad sweep and a focused example. At the broad level, Israel’s relationship with YHWH has been tainted by her provoking him to wrath (קִצְפוּ) from the first day to the present. The use of the participle with הָיָה emphasizes the continuous nature of Israel’s rebellion in the past (מִמְרִים הָיִיתָם עִם־יְהוָה).<sup>19</sup> While the prologue of 9:1-6 notes Israel’s stiff-necked character, the focus here is the result: YHWH’s anger. The general statement is followed by the parade example: the golden calf at Horeb. The force of the conjunction is “even at Horeb” (וּבְהָרֵב).<sup>20</sup> The Horeb case is connected to the broad statement with the repeated verb “provoked to wrath” (קִצְפוּ), but then continues with YHWH’s actual anger (אָנִף) and the result for Israel: “to destroy you” (שָׂמַד, *hiphil*). That Israel was not in fact destroyed is omitted from the summary (though obvious to the audience), but the lacuna is striking. It is exactly the narrow escape from destruction, the reason for that escape, and the inherent conflict between YHWH’s loyalty demand and Israel’s faithlessness that makes the Horeb story formative for their ongoing covenantal relationship.<sup>21</sup>

<sup>15</sup> E.g. Nelson, *Deuteronomy*, 119-20.

<sup>16</sup> Nelson, *Deuteronomy*, 121.

<sup>17</sup> Except for 9:11 and the sections he omits, my divisions and themes are similar to Lohfink, *Hauptgebot*, 215-6.

<sup>18</sup> The conjunction does not appear in the Leningrad Codex, but is present in Sam., Syr., Vulg. and Kennicott 69.

<sup>19</sup> GKC, §116r. עִם indicates “in dealing with” (Nelson, *Deuteronomy*, 118i).

<sup>20</sup> So NRSV and NASB.

<sup>21</sup> Most English translations seek to avoid an apparent contradiction by translating the destruction with a modal modifier (e.g., “he would have destroyed you” [NASB], “he was ready to destroy you” [NRSV], “he was angry enough to destroy you” [NIV]).

3.2.2.2 *Covenant Established (9:9-11)*

The recounting of the event opens with Moses on the mountain with YHWH, receiving “the stone tablets, the tablets of the covenant” (לוחת האבנים לוחת הברית). These tablets act as characters in the story, symbolically representing in physical form both the terms and the reality of the covenant. They are mentioned fourteen times<sup>22</sup> and highlight the covenant’s establishment (9:9-11), dissolution (9:15-17), and re-establishment (10:1-5). The content of the tablets is the decalogue (10:4; cf. the linking of the tablets and decalogue with the covenant [ברית] in 4:13), headed by the prohibitions against other gods and images (cf. 5:6-10), which Israel quickly violates. The presentation makes clear that the tablets contain no new commandments, but only record the words YHWH has previously spoken to Israel (lit. “with you” [עמכם], 9:10). Thus, Israel’s (coming) violation of the first commandment<sup>23</sup> is culpable. The chiasmic *inclusio* of the tablets and Moses’ forty day and night sojourn with the symmetric taking (לקח) and giving (נתן) of the tablets brings the covenant establishment to a stable point (9:9, 11).

3.2.2.3 *Covenant Broken (9:12-17)*

The stability is quickly disturbed. YHWH immediately says to Moses, “Get up, go down quickly from here, for your people whom you have brought from Egypt have acted corruptly (שחת, *piel*)” (9:12). The people have corrupted either themselves or the covenant; the object is elided. This word is important for Deuteronomy’s logic of Israel’s destruction. It is used to warn Israel away from idolatry, twice in the sermon of Deut.4 (vv.16, 25) and twice in the prologue to the Song of Moses (31:29). Later in the present passage Moses will plead with YHWH not to שחת (*hiphil*) Israel (9:26). In both the sermon of Deut.4 and the present passage, Israel is assured that YHWH will not שחת (*hiphil*) her (4:31; 10:10).<sup>24</sup> In distinction to the more common words for destruction in Deuteronomy (עבד, שמד; cf. §2.3.2), which refer more to death and the removal of power, שחת signifies a ruin that renders the object useless for its intended purpose. There is also a canonical resonance with the corruption of YHWH’s creation at the time of Noah’s flood.<sup>25</sup> In the time of Noah, the earth became corrupt (ותשחת) הארץ, *niphal*, Gen.6:11; cf. 6:12) and God decided to destroy (שחת, *hiphil*, Gen.6:13; *piel*, Gen.6:17) the earth and all breathing creatures. Within this context, Israel’s offense is clearly grave. The tension between wrath and mercy hangs in the air for the canonical reader because the utter destruction of creation—with a new start in Noah—was the

<sup>22</sup> 9:9 (2×), 10, 11 (2×), 15, 17; 10:1, 2 (2×), 3 (2×), 4, 5.

<sup>23</sup> Cf. §2.3.1.

<sup>24</sup> The only other uses of שחת in Deuteronomy are in the forbidding of the destruction of trees during a siege (20:19-20).

<sup>25</sup> On the parallels between the golden calf and flood narratives, cf. Moberly, *Mountain*, 91-3.

outcome in Genesis. However, God at that time voiced his reluctance to solve the problem of corruption with further corruption (Gen.9:11, 15).

In 9:12, YHWH dissociates himself from his people, strikingly identifying Israel as Moses' and not his own. Even more emphatically YHWH gives Moses "credit" for bringing this corrupt people out of Egypt.<sup>26</sup> YHWH then reveals his evaluation of Israel: they are a stubborn people (וְהָנָה עַם־קָשֶׁה־עַרְף־הוּא, 9:13). This is the description that Moses quotes in his introduction to this story: "You are a stubborn people" (עַם־קָשֶׁה־עַרְף־אַתָּה, 9:6). The general statement of the introduction is particularized in this recounting of Israel's past. YHWH then announces his intention: to destroy (שָׁמַד, *hiphil*) Israel, blot out (מָחָה, *qal*) her name, and start over again with Moses to build a better nation (9:14). Blotting out Israel, to undo his building of the nation, continues to echo Noah's flood for the canonical reader (cf. Gen 6:7; 7:4, 23). Interestingly, the word for destruction is changed from שָׁחַת to שָׁמַד, which is not used in the flood narrative. Perhaps in the delicate balance of Israel on the brink of destruction, the more theologically loaded שָׁחַת is too strong a threat, especially since YHWH's commitment to avoid that drastic step has been stated in the canonically prior Deut.4:31.

YHWH's announcement of his intention is prefaced with the imperative: "Let me alone" (הֲרַף מִמֶּנִּי, 9:14). Not only does this imply that Moses has the ability to interfere with YHWH's plan through his intercession for Israel, but it counter-intuitively invites Moses to do so. "By telling Moses to leave Him, He implicitly presents Him [*sic*] with the option *not* to leave Him and to oppose the divine intention."<sup>27</sup> Israel now totters not only on the brink of YHWH's will, but also on the will and efficacy of Moses, not to mention on his temptation to patriarchal greatness and frustration with recalcitrant Israel.

Moses turns (פָּנָה) away from YHWH and his fiery mountain to face Israel. As YHWH's fire can destroy the Canaanites (9:3), it stands ominously before Israel (9:10), threatening the disloyal people (9:15), and breaking out against the idol through Moses (9:21). Moses proceeds down the mountain with the tablets of the covenant in his hands (9:15). He looks upon Israel with his own eyes and announces his own evaluation: "you had indeed sinned against the LORD your God (חַטַּאתֶם לַיהוָה אֱלֹהֵיכֶם), by casting for yourselves an image of a calf" (9:16). Moses then reiterates YHWH's condemnation nearly verbatim. YHWH had said, כִּרְנוּ מִהָרַךְ מִן־הַדֶּרֶךְ אֲשֶׁר צִוִּיתֶם, (9:12) and Moses

<sup>26</sup> All eleven previous uses of צָא in the *hiphil* in Deuteronomy concerning Israel's exodus from Egypt have had YHWH as the subject (1:27; 4:20, 37; 5:6, 15; 6:12, 21, 23; 7:8, 19; 8:14), most importantly in the prologue to the decalogue (5:6).

<sup>27</sup> Michael Widmer, *Moses, God, and the Dynamics of Intercessory Prayer: A Study of Exodus 32-34 and Numbers 13-14* (FAT 2, 8; Tübingen: Paul Mohr, 2004), 101, emphasis original.

says, סרתם מהר מן־הדרך אשר־צוה יהוה אתכם (9:16). Israel has turned (סור) quickly, thus ignoring the divine command to turn (סור) neither to the right nor to the left (5:32). In the context of Deuteronomy, Israel is commanded to devote to the ban (חרם) the peoples of Canaan in order to prevent them turning (סור) Israel from YHWH to other gods (אלהים אחרים, 7:4), but Israel is fully capable of turning with no outside influence. Moses perceives Israel's folly just as YHWH has, but what will he do? His immediate response is to break the tablets (9:17), signifying the end of the covenant,<sup>28</sup> which likely prepares for Israel's destruction. Israel seems to have lost both YHWH and Moses, her only two defenders, and lies on the powder keg of her own self-corruption with the consuming fire of YHWH approaching.

#### 3.2.2.4 Moses' Intercession and Israel's History of Rebellion (9:18-24)

Moses the mediator now returns to YHWH and intercedes for Israel (9:18). In a verbatim repetition of the forty day fast where he first received the covenant (9:9), Moses seeks its restoration. But Moses' stance has changed from sitting (ישב, 9:9) before YHWH to helplessly falling (9:18, נפל, not the prostration of worship, השתחוה). Israel has no role in the drama—neither suffering punishment nor offering repentance. Moses describes Israel's failing in three parts: they have sinned (חטאתכם אשר ) חטאתם,<sup>29</sup> they have done *the* evil in the sight of YHWH (לעשות הרע בעיני יהוה), i.e. idolatry,<sup>30</sup> and they have provoked him to anger (להכעיסו). The connection between idolatry and provoking YHWH is a pervasive theme in Deuteronomy and it has its roots in this formative story. Moses testifies to Israel that her nature is to make idols, to be disloyal to YHWH, and to provoke him to anger. The golden calf incident provides a pattern for Israel's self identity.

Moses further emphasizes Israel's danger by adding his personal emotions: "I was afraid (יגר) that the anger (אף) that the LORD bore against you was so fierce that he would destroy (שמד) you" (9:19).<sup>31</sup> But in narrative time, YHWH's wrath quickly dissipates: "But the LORD listened to me that time also."<sup>32</sup> Again, the difficult balance

<sup>28</sup> "Breaking a tablet' in the ancient Near Eastern tradition connoted cancellation of the validity of a document" (Weinfeld, *Deuteronomy 1-11*, 410).

<sup>29</sup> "Sin" (חטאת, חטא) is an otherwise unusual word for the outer framework of Deuteronomy, occurring four times in this pericope (9:16, 18, 21, 27) but only once outside it (1:41).

<sup>30</sup> The substantive adjective הרע usually refers to Deuteronomy's primal sin of idolatry (4:25; 13:6 [Eng.5]; 17:2, 5, 7; 30:15 [cf. 30:17]; 31:29). It refers to other sins within the formula ובערת הרע ("and you shall purge the evil") in 17:12; 19:19; 21:21; 22:21, 22, 24; 24:7 (and for idolatry with the same formula in 17:7). The similar substantive הרעה refers to the consequences for idolatry in 31:29 (cf. vv.17, 18).

<sup>31</sup> More literally, "I was afraid before the anger and rage that YHWH was wrathful against you to destroy you" (יגרת לפני האף והחמה אשר קצף יהוה עליכם להשמיר אתכם).

<sup>32</sup> It is unclear what previous incident "also" refers to, though it is most likely the later incidents of Num.11:2; 14:13-20; 21:7-9, which are anachronistically reordered because of the multiple viewpoints of the retelling of history. So also Tigay, *Deuteronomy*, 101; Driver, *Deuteronomy*, 115. Alternatively, it

between destruction and peace swings back and forth. The text makes no apology for condemning Israel and justifying YHWH's anger, but it likewise recognizes that these crises have been resolved in the past with Israel continuing on in covenant with YHWH.

Moses then mentions YHWH's anger against Aaron and his intercession for him. This comment interrupts the flow of the narrative but prepares for the later mention of Aaron in 10:6.<sup>33</sup> Finally, Moses utterly destroys Israel's "sin" (חטאתכם) itself, the calf, with burning (שרף), crushing (כתת), grinding to dust (טחון הישב עד אשר־דק), and scattering (שלך) (9:21). The restoration of Israel to YHWH depends not on prayer alone, but on repudiating and eliminating the offense. Moses' methods link to the ways reforming kings would destroy the artifacts of idolatry in other contexts.<sup>34</sup> Note that the destruction of the idol resembles the command for חרם in Deut 7:5, 25 with שרף also used in that connection. The pattern for eliminating offending idols is established.

The story now pauses for a retrospective interlude in 9:22-24, which is paralleled by the prospective interlude in 10:6-9. With the dust of the calf flowing away from the mountain of YHWH, Moses points out that Israel provoked (קצף) YHWH several times before: by complaining at Taberah (lit. "burning"; Num. 11:1-3), by testing YHWH at Massah (lit. "place of testing"; Exod. 17:2-7), by greediness for meat at Kibroth-hattaavah (lit. "the graves of desire"; Num. 11:4-34), and—most infamously—by rebelling at Kadesh-barnea by both not taking the land and then attempting to take it wrongly (Num. 13:1-14:45). The latter story is summarized, probably not only because of the severity of the rebellion but also because it is the second occasion for Moses' determinative intercession. These rebellions represent a reversal of the problem of idolatry: refusing to trust YHWH's power vs. trusting in other gods.<sup>35</sup> Interestingly, though Moses describes Israel's action as provocation (קצף), this key word does not appear in any of the original stories.<sup>36</sup> Instead, קצף links this summary to the introduction for the present passage in 9:7-8. The opening objective statement, "You have been rebellious (מרד) against the LORD from the day you came out of the land of Egypt until you came to this place" (9:7) is here reiterated in Moses' own experience: "You have been rebellious (מרד) against the LORD from the day I knew<sup>37</sup> you" (9:24,

could refer to the first intercession of Exod. 32:11-14, which is omitted here (Weinfeld, *Deuteronomy 1-11*, 411).

<sup>33</sup> Aaron's role does not feature in this account, but cf. Exod. 32:1-6, 21-26.

<sup>34</sup> כרת: 2Kgs. 18:4; שרף: 1Kgs. 15:13; 2Kgs. 10:26; 23:4, 6, 11, 15; שלך: 2Kgs. 23:6, 12; דקק: 2Kgs. 23:6, 15; עפר: 2Kgs. 23:4, 6, 12, 15. For a comparison with Ugaritic literature and the parallel Exodus passage, see Weinfeld, *Deuteronomy 1-11*, 411-4.

<sup>35</sup> Cf. § 7.5 on the political power of אלהים אחרים and YHWH.

<sup>36</sup> It does appear in the retelling of the Kadesh-barnea rebellion in Deut. 1:34.

<sup>37</sup> The NRSV follows LXX and Sam. rather than the MT and translates "as long as he has known...." The essence of Israel's continual rebellion is unaffected, though the *terminus a quo* for YHWH knowing

NASB 1995). The repetition of קצף and מרה form an *inclusio* around the rebellion portion of the story (9:7-24).

### 3.2.2.5 Moses' Argument (9:25-29)

The pivot of the story is Moses' intercessory speech. Here YHWH's faithfulness to Israel and his frustrated demand for ultimate loyalty come together. This tension is not resolved, but the nature of it is revealed by YHWH's conversation with Moses. He who commands to be left alone listens as Israel's representative and leader speaks on her behalf. Moses responds to YHWH's announcement of his intent to destroy (שמד) Israel by prostrating himself for forty days (9:25). That this forty days resumes and extends the summary telling in of 9:18-20 is made clear by the presence of the definite article with "days" and "nights" (את ארבעים היום ואת ארבעים הלילה), referring back to the days and nights of 9:18. Moses declares his desire in imperative form: "Do not destroy (שחת) the people" (9:26). The change in verb of destruction may be significant. The corrupting ruin of שחת is what Israel does to herself (4:16, 25; 9:12; 31:29; 32:5), but what YHWH explicitly does not do to her (4:31; 10:10 below). It is likely that Moses is less pleading that Israel not suffer for her disloyalty—which indeed she does in Exod.32:25-28 (cf. v.34)—but that she not be utterly ruined as the people of YHWH.

He who speaks while face-down on the ground has nothing with which to bargain. Indeed, Moses has nothing positive to say about Israel. She has only stubbornness (קשי), wickedness (רשע), and sin (חטאת) on her balance sheet (9:27). Moses' approach is unsurprising since it matches the introduction to the story where he has made clear that Israel does not deserve the land. In his introduction, he called Israel stubborn (קשה-עריף, 9:6) to her face; he speaks the same to YHWH. The charge of wickedness is even more ominous, for Moses has explained that it is exactly the wickedness (רשעה) of the Canaanites that explains their dispossession (9:4-5). If Israel has proven as wicked as those she was to dispossess, how can Moses argue for this people? He does not argue for the people, but for YHWH.

Moses first identifies Israel as YHWH's people and possession (עמך ונחלתך, 9:26; *contra* YHWH's word that they are Moses' [9:12]). There is a connection between the two parties of this dispute; they affect one another. Moses draws two arcs from this starting point. First, YHWH should remember with favor the patriarchs rather than their stubborn descendants (9:27).<sup>38</sup> Implicit in their memory are YHWH's promises to them (as made explicit in Exod.32:13) and the solidarity of Israel across generations. The

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Israel is certainly more ambiguous than for Moses. Deut.31:27 lends support to the MT (Weinfeld, *Deuteronomy 1-11*, 414).

<sup>38</sup> ל-זכר means "to think in favor of someone; cf. Ps. 132:1; Jer. 2:2; Pss. 25:7; 136:23; 2Chr. 6:42" (Weinfeld, *Deuteronomy 1-11*, 415).

mention of their names recalls the introduction to the story where Moses tells Israel that she will gain the land “not because of your righteousness or the uprightness of your heart,” but “in order to fulfill the promise that the LORD made on oath to your ancestors, to Abraham, to Isaac, and to Jacob” (9:5; cf. 7:8).

Moses’ second line of argument is based on the paradox that YHWH’s great act on behalf of needy Israel—his redemption of her (פִּדְיוֹן, 9:26) by bringing her out of Egypt—has created a kind of dependence of *YHWH on Israel*, rather than the reverse. YHWH does not depend on any contribution from Israel, but, having demonstrated to all observers his greatness (גְּדֻלָּה) and mighty hand (יַד חֲזִיקָה) in this rescue (9:26), to let Israel fall would be to concede to Egypt either his inability to complete his publicly announced intention of bringing Israel into the land (מִבְּלִי יִכְלֹת יְהוָה לְהַבְיִיאֵם) (אל־הָאָרֶץ אֲשֶׁר־דִּבֶּר לָהֶם וּמִשְׁנֵאָחֶר) (9:28). As Tigay points out, “God is not indifferent to what humans think of Him. Moses knew that one of God’s motives in His actions against Egypt was to show His incomparable power to the world.”<sup>39</sup> Moses completes his plea with an *inclusio*, reiterating that Israel is YHWH’s own, formed as a nation by his greatness (9:29).

Is Moses’ argument answerable? It is true enough that Moses’ logic is not dissimilar to YHWH’s own argument in the Song of Moses that destroying Israel via human agents would leave him open to the charge that these conquerors had triumphed over him (32:27; cf. §4.2.4.5). But Israel’s disloyalty would seem to release YHWH from any self-imposed obligation toward her through promise to the patriarchs. Furthermore, as lord of the entire world (cf. 4:19; 32:7-9), YHWH surely has other means available to display to Egypt his strength and lack of hatred for Israel. More convincing evidence for the weakness of Moses’ argument is the fact that it depends neither on the degree of Israel’s offense nor the completeness of her repentance. Thus, the same logic could be used to force YHWH to bear with any amount of rebellion Israel could muster. So it seems YHWH has not been trapped by Moses’ rhetoric, but it is the best Moses has to offer.<sup>40</sup>

### 3.2.2.6 *Covenant Re-established (10:1-9)*

The reader is already aware that YHWH listened—presumably favorably—to Moses’ intercession (9:19). But it is still surprising that YHWH expresses no opinion on Moses’ speech. Instead, YHWH simply begins again by writing an unmodified covenant upon new tablets (10:1-5; cf. v. 10). However, the replay perfects the flawed original, for this

<sup>39</sup> Cf. Exod. 9:14-16; 10:1-2; 14:4, 18 (Tigay, *Deuteronomy*, 103-4, 362 n. 32).

<sup>40</sup> “If the two branches of [Moses’] argument based on Yahweh’s reputation do not add up logically, this is due to its force as a rhetorical proposition, intended to move him by any means possible” (McConville, *Deuteronomy*, 186-7).

time Moses finds no apostasy when he descends the mountain and the tablets are deposited undamaged into the ark.<sup>41</sup>

The story breaks for a second interlude (10:6-9; cf. 9:22-24). Unlike the first, this one looks forward. Israel's idolatry was placed within the context of continual past rebellion; YHWH's recommitment to Israel is placed within the context of continued life together. Israel's itinerary is rehearsed, with two notable stops. At Moserah, Aaron dies<sup>42</sup> and is succeeded by his son. The reappearance of Aaron (cf. 9:20) demonstrates the success of Moses' intercession for him as Aaron and his son continue as priests beyond the Horeb incident.<sup>43</sup> However, the naming of the location of his death as a "place of chastening" (מוסרה) and locating it outside of Canaan seems to indicate some degree of punishment for his role in Israel's idolatry.<sup>44</sup> The continuing itinerary to Gudgodah and Jotbathah (10:7; cf. Num.33:33-34) provides a hint of the success of Israel's relationship with YHWH as the very name Jotbathah (יטבתה, "goodness" or "pleasantness," from יטב) and the description as "a land with flowing streams" (ארץ נחלי מים) points toward Canaan (cf. 8:7; also Jer.31:9). The verse also calls Canaan a "good land" (ארץ טובה; note the similarity to "Jotbathah"). This wording seems to imply that YHWH is intent on blessing Israel with the good land, as before.

The second part of the interlude focuses on the tribe of Levi (10:8-9), Moses' own tribe, and particularly Levi's role in carrying the ark containing the tablets of the restored covenant. Levi is set apart "to stand before the LORD" (לעמד לפני יהוה), which recalls Moses' place where he "lay prostrate before the LORD" (ואתנפל לפני יהוה, 9:18, 25), interceding for Israel.<sup>45</sup> While Israel's future with YHWH has been restored, future breaches are regrettably likely. But Israel will not be without a Mosaic intercessor who carries the covenant tablets as he did (9:15).<sup>46</sup>

### 3.2.2.7 Conclusion (10:10-11)

The story concludes with the re-completion of Moses' forty days on the mountain (10:10). He reiterates the success of his intercession: "And once again the LORD listened to me" (וישמע יהוה אלי גם בפעם ההוא; cf. 9:19). And finally, Moses adds what may be taken as YHWH's answer to Moses' plea: "The LORD was unwilling to destroy

<sup>41</sup> The chronological problems of the account are often noted, but the rhetorical strength of successfully replaying the establishment of the covenant with the tablets requires 'illogical' additional trips up and down the mountain. On the chronology of the passage, cf. Nelson, *Deuteronomy*, 120-1.

<sup>42</sup> Num.33:39 places this at Mount Hor. Numbers also rearranges the itinerary.

<sup>43</sup> So also McConville, *Deuteronomy*, 189, though cf. Driver, *Deuteronomy*, 120.

<sup>44</sup> So Tigay, *Deuteronomy*, 105. If so interpreted, this would be the only indication of punishment for the incident in the Deuteronomy retelling of the Exodus story.

<sup>45</sup> "To stand before" also refers to serving (Weinfeld, *Deuteronomy 1-11*, 421-2).

<sup>46</sup> Since Moses is of Levi, the choice of this tribe is appropriate. However, it is worth noting that Aaron, the leader of the Horeb rebellion, is also of Levi.

(שחַת, *hiphil*) you.” This sentiment has been implied up to this point, but is now explicit. The ruining of Israel has been averted—at least this time. The story concludes with YHWH commanding Moses and Israel to step out in their restored relationship with him: “Get up, go on your journey at the head of the people, that they may go in and occupy the land that I swore to their ancestors to give them” (10:11).

### 3.2.3 SUMMARY

The golden calf remembrance functions as the premiere example to Israel of her pattern of unrighteousness before YHWH. She proved disloyal to him at Horeb itself—her most sacred encounter with her God. This event is not singular, but one among many offenses. From YHWH’s perspective, she deserves destruction. Moses does not dispute this point, but weakly argues from YHWH’s love for the patriarchs and from the necessity of YHWH guarding his own reputation.

At issue is the first commandment: Israel’s exclusive loyalty to YHWH. Israel’s disloyalty is characterized in various ways in the story. The negative terms associated with Israel’s response to YHWH are relational: stubborn (קשה-עַרְף, 9:6; קָשִׁי, 9:27), provocative of YHWH to anger (קִצְּף, 9:7, 8, 22; כַּעַס, 9:18), rebellious (מַרְדָּה, 9:7, 23, 24), acting corruptly (שָׁחַת, 9:12, 26),<sup>47</sup> quickly turning from the way YHWH commanded (סָרוּ מִן־הַדֶּרֶךְ אֲשֶׁר צִוִּיתָם, 9:12, cf. 16), sinning (חָטָא, 9:16, 18; חָטֵאת, 9:18, 21, 27),<sup>48</sup> doing evil in the sight of YHWH (לַעֲשׂוֹת הָרַע בְּעֵינֵי יְהוָה, 9:18), and neither trusting nor obeying YHWH (וְלֹא הֵאֱמַנְתֶּם לּוֹ וְלֹא שָׁמַעְתֶּם בְּקוֹלִי, 9:23).<sup>49</sup> YHWH has stipulated a way for Israel to go and she is noncompliant and provocative. Israel refuses to take the role YHWH has created for her. Although this is a personal and religious affront, it is also political because YHWH is Israel’s sovereign.

The response from YHWH, as expected from Israel’s provocation, is anger. “The LORD was [so] angry (אָנַף) with you [that he was ready] to destroy (שָׁמַד) you” (9:8).<sup>50</sup> In YHWH’s own words to Moses, “Let me alone that I may destroy (שָׁמַד) them and blot out (מָחָה) their name from under heaven” (9:14). Moses testifies, “The anger (אָף) that the LORD bore (קִצְּף) against you was so fierce (חֲמָה) that he would destroy (שָׁמַד) you” (9:19). YHWH’s angry response is one of destruction. YHWH envisions

<sup>47</sup> The term is relational in the sense of becoming corrupt for YHWH’s purposes.

<sup>48</sup> “The criterion for ‘error’ is not particular commandments but injury to a communal relationship” (R. Knierim, “חָטָא, *ht*, to miss,” *TLOT*, 1:409). “The root *ht*’ frequently expresses the ethical failure of one person to perform a duty or common courtesy for another, as in the failure of a vassal to pay tribute to his overlord” (Robin C. Cover, “Sin, Sinners (OT),” *ABD*, 6:32). In 9:16 the accusation concerns sinning against YHWH (לִיְהוָה). “When *hātā*’ is followed by *lē*, a failure to respect the full rights and interests of another person is involved” (G. Herbert Livingston, “חָטָא, *hātā*’,” *TWOT*, 1:277).

<sup>49</sup> Wicked (רָשָׁע, 9:27) is the one negative descriptor that does not seem relational.

<sup>50</sup> The bracketed words are not in the Hebrew.

not cathartic or rehabilitative pain, but the utter erasure of Israel from memory. The suggestion of starting over with a new nation derived from Moses further emphasizes the point: YHWH's anger means the end of this generation of Israel so that the resulting void for YHWH can be filled by a subsequent generation from Moses.

Interestingly, YHWH's threatened annihilation of Israel is resolved with no mention of negative consequences for Israel.<sup>51</sup> Related crises of idolatry result in death and destruction for Israel before relationship with YHWH is restored.<sup>52</sup> In this case, Mosaic intercession and destruction of the idol is sufficient. What would have happened without Moses' intervention? Hypothetical questions are rarely addressed in biblical narrative, but it seems that part of Moses' sermon is that apart from his intervention—and even possibly after his best attempt at intercession—Israel would have been destroyed. Israel's existence as the disloyal people of YHWH is precarious. Moses wins no argument against YHWH to force him to relent,<sup>53</sup> but he relents nonetheless. The fact that Israel survives the encounter is no guarantee for survival next time.

### 3.3 THE GOLDEN CALF INCIDENT AS NATIONAL MYTH

I argued in §2.2.2 that one implied purpose of Deuteronomy is to be a nation-state document, forming Israel as a nation that belongs together and providing basic structures for an Israelite state under YHWH. I now consider the golden calf remembrance in particular as an example of national myth. In his study of the social function of myths, Doty refers to such shared stories as both “cement” and “charter” for a people.<sup>54</sup> As cement, myths bring individuals together by expressing the core ideas behind the society in which the individual participates.

Myths and rituals have importance in large measure because they represent corporate significances, meanings that transcend individual needs, desires, and values. They provide a mechanism for enabling holistic interaction between individuals who otherwise might remain independent and disengaged.<sup>55</sup>

As charter, myths communicate the way the society is committed to functioning. Myths communicate truths within the social group, not so much disinterested, objective facts, but value-laden lessons that aim to maintain the society.

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<sup>51</sup> Unlike in the Exodus account.

<sup>52</sup> Cf. Deut. 4, 13, 28, 32, discussed in later chapters. Restoration is not mentioned in the Deut. 28 curses.

<sup>53</sup> It is interesting that the story does not signal YHWH relenting from his promised destruction with the usual term, *נחם*, though this does appear in the Exodus account (32:12, 14).

<sup>54</sup> William G. Doty, *Mythography: The Study of Myths and Rituals* (University, Ala.: University of Alabama Press, 1986), 42.

<sup>55</sup> Doty, *Mythography*, 49.

Within national societies, collections of myths function as cement and charter for the national citizenry. Consider a modern example. In Canada (and beyond), the poem “In Flanders Fields” functions as a national myth:

In Flanders fields the poppies blow  
Between the crosses, row on row,  
That mark our place; and in the sky  
The larks, still bravely singing, fly,  
Scarce heard amid the guns below.

We are the Dead. Short days ago  
We lived, felt dawn, saw sunset glow,  
Loved, and were loved, and now we lie,  
In Flanders fields.

Take up our quarrel with the foe:  
To you from failing hands we throw  
The torch; be yours to hold it high.  
If ye break faith with us who die  
We shall not sleep, though poppies grow  
In Flanders fields.<sup>56</sup>

The poem voices the imperative from fallen soldiers in World War I to those still living to “take up our quarrel with the foe.” As the poppies are displayed on Remembrance Day, citizens honor those who have sacrificed themselves to preserve the nation and consider anew their own personal obligations to continue the struggle against its enemies. This is the power of national myth: stories of the past that call for present and future action.

The poem calls upon citizens to subordinate their personal safety to the survival of the nation. Societal danger supersedes personal danger. The voices from Flanders urge that the danger to society of defeat by the enemy must be given priority over the personal danger of dying in battle. This position is backed by the testimony from beyond the grave. The fallen soldiers, like the reader, had enjoyed love, sunrise, and sunset, but chose to go to war. The fallen live both joyful lives and meaningful deaths while the reader only knows the former. The fallen testify that they made the right choice. Individuals who may value their lives more than national causes hear a powerful summons to join those willing to die for the nation.

The poem hangs between victory and defeat. The poem reflects on the fate of those who have fought against oppressive powers and died—a seeming failure. In a famous essay, Renan notes the power of remembering collective failure: “Where national memories are concerned, griefs are of more value than triumphs, for they

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<sup>56</sup> John McCrae, *In Flanders Fields and Other Poems* (London: Hodder & Stoughton, 1919).

impose duties, and require a common effort.”<sup>57</sup> The poem moves from the grief of the slain to the continuing duty to join the battle that will make their deaths meaningful. The story does not end in the graveyard, but in future victory, if the reader responds properly.

The golden calf incident is likewise a collective memory for Israel that recalls failure and imposes a duty on future generations. The story proclaims failure, embarrassment, and moral weakness in order to enable a glorious future for Israel as YHWH’s people as Israel’s idolatry is replaced by hope for life in the promised land (10:11). Unlike “In Flanders Fields,” there is no external enemy in the golden calf story; in an odd twist, the enemy is both Israel in her disloyalty and YHWH in his demand for loyalty. “In Flanders Fields” celebrates determined fighting in the face of loss; the golden calf remembrance celebrates determined intercession and divine grace in the face of disqualifying disloyalty.<sup>58</sup> The poem mourns the necessary sacrifices of war, while the remembrance mourns Israel’s inability to live up to YHWH’s expectations. The poppies signify the hope that all foes will be defeated if their message continues to ring, while YHWH’s restoration of his covenant with Israel brings hope that Israel’s idolatry is not the final word with YHWH.

But the story demands that Israel remember the danger involved in life with YHWH. Must she live in dread of the day when she will push YHWH too far and lose everything? Perhaps. But it is exactly the reality of the threat that makes the myth urgent. “In Flanders Fields” assumes the reality of the foe’s threat and the possibility that those who sacrificed their lives may have died in vain. But as dogged determination and self-sacrifice offer hope for a future beyond the Flanders graveyard, humility, commitment to obedience, and the continuing levitical presence before YHWH to intervene when necessary point to the possibility of a continued life for Israel with YHWH. There will be more soldiers’ graves with poppies growing on them, and there will be future brokenness between Israel and YHWH, but hope and the necessity of exclusive loyalty follow from the remembered story.

### 3.4 IDOLATRY AND TREASON

If the golden calf remembrance functions as national myth that focuses on the danger of idolatry, the modern Western reader with little intuition about this offense must ask,

<sup>57</sup> Ernest Renan, “What is a Nation?” in *Becoming National: A Reader* (ed. Geoff Eley and Ronald Grigor Suny; New York: OUP, 1996), 53.

<sup>58</sup> It is important to remember that a particular myth only captures one aspect of the larger story. Israel’s relationship with YHWH is certainly not solely characterized by disloyalty, though this is the emphasis in this particular myth.

what is it about idolatry that so powerfully provokes YHWH? I argue in the rest of this chapter that treason against the state provides an appropriate pathway for a modern understanding of idolatry in this passage.

### 3.4.1 MODERN ANALOGY FOR GOLDEN CALF OFFENSE

Discovering a modern analogy for the grave offense of idolatry is difficult. Because it is a “religious” offense—though the separation of the religious and the secular is itself a modern dichotomy (cf. §2.1.1)—the most obvious place to look would be a modern religious offense. However, to look for such an analogy is a fool’s mission because by definition within the modern state, no (valid) religious act can warrant a violent response. As noted in §2.1.1, a valid religion cannot command anything contrary to good citizenship. Further, since the state holds a monopoly on legitimate violence and only bad citizenship (i.e. disobedience to the civil laws) leads to the use of that violence, no religious offense can lead to a valid violent response. In other words, religious matters are of little interest to the state and cannot be of sufficient gravity to warrant a violent response by the state. However, if a “religious” action is found to be illegitimate—in other words, not merely a private religious affair at all, but a threat to civil affairs—it must be treated as the civil offense that it is.

It seems then that a modern analogy for the golden calf offense should be found in modern civil—rather than religious—life. In my estimation, the best choice is treason against the state. Treason is a sort of unfaithfulness—like adultery—but it offends a party who has the right to coerce loyalty with violence: the state. Treason is an act of subversion against the state’s sovereignty, an effort to undermine the ruling social order or replace it with an alternative. In democratic states where citizens generally have the right—even the responsibility—to speak out against their governments and replace them through the electoral process when they are seen to be doing wrong, the line between proper citizenship and treason might seem blurry. I offer modern examples below that should clarify the difference. But I suggest that Israel’s breaking of the first commandment through the golden calf was an attempt so fundamentally to reconstitute Israel’s society by creating an unauthorized image of the society’s founder and keeper, YHWH, that treason is the most suitable category for a modern reader to understand the incident.

If the analogy of the golden calf to treason is accepted, how can a modern Western reader then understand YHWH’s violent response to Israel’s act? YHWH says

to Moses, “Let me alone that I may destroy them and blot out their name from under heaven” (9:14). How does YHWH’s response compare to modern cases of treason?

### 3.4.2 TREASON AND THE SOCIAL CONTRACT THEORISTS

As discussed in §2.1.1, Thomas Hobbes laid a foundation stone for the edifice of the modern state in his book *Leviathan*. Horrified by the English Civil War, he sought to provide philosophical underpinnings for the state so that such rebellion against the sovereign national power would be undeniably unreasonable. Though Locke and Rousseau significantly soften Hobbes’ vision of absolute sovereignty, his basic framework and careful logic still exert significant influence on modern political thought.

Hobbes sees the state as the solution to the fundamental problem of humanity’s “state of nature” where all are at war with all. Without a central authority, society devolves into chaos. The state, which exists only by virtually universal agreement to obey the sovereign, is the only barrier between peaceful, productive society and mad violence. Therefore, treason against the sovereign is both irrational and deeply destructive. A citizen may rationally decide to break a law if it seems to produce a better outcome than obedience—modern civil disobedience provides many examples of such choices. But to undermine the agreed-upon sovereignty is a crime against every other citizen and a move back toward “solitary, poore, nasty, brutish, and short” existence. Hobbes writes, “Facts of hostility against the present state of the Common-wealth, are greater Crimes, than the same acts done to private men: For the dammage extends it selfe to all.”<sup>59</sup> Hobbes gives examples of such as aiding an enemy of the commonwealth, making an attempt upon the life of a representative of the commonwealth, or seeking to undermine the authority of the sovereign.

For Hobbes, such a destructive act as treason transcends normal categories of punishment. Someone who breaks the law of the commonwealth receives proportional punishment. Treason is a rejection of the system of law itself, which moves the act from the realm of crime to that of hostility. A traitor is no criminal but an enemy. Hobbes writes:

If a subject shall by fact, or word, wittingly, and deliberately deny the authority of the Representative of the Common-wealth, (whatsoever penalty hath been formerly ordained for Treason,) he may lawfully be made to suffer whatsoever the Representative will: For in denying subjection, he denyes such Punishment as by the Law hath been ordained; and therefore suffers as an enemy of the Common-wealth; that is, according to the will of the Representative. For the Punishments set down in the Law, are to Subjects, not to Enemies; such as are

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<sup>59</sup> Hobbes, *Leviathan*, 219.

they, that having been by their own act Subjects, deliberately revolting, deny the Sovereign Power.<sup>60</sup>

For Hobbes, the sovereign's response to treason is unconstrained by law; any reprisal is completely moral.

Locke has a gentler view of humanity than Hobbes, seeing the state of nature as one of equality and liberty among humanity. If one aberrant individual violates this peaceable situation, every other person has the right to punish and restrain that one. The violator of Locke's peaceful state of nature engages in a state of war. So retaliation against such an offender is legitimate.<sup>61</sup> As with Hobbes, Locke understands the rebel against the state to create a state of war against the entire citizenry. Thus, treason is a fundamental offense against society.<sup>62</sup>

Rousseau creates a category apart from traditional religion that he terms "civil religion." The dogmas of civil religion include those things that compel citizens to do their duty for the state, which for Rousseau include belief in an omnipotent, intelligent, and benevolent divinity, a future state of happiness for the just and punishment of sinners, the sanctity of the social contract and law, and the necessity of tolerance. Rousseau argues that disloyalty to the state through disbelief in this civil religion is grounds for banishment. Even more strongly, one who had previously acknowledged agreement with the civil religion but then behaved in a way opposed to it should be put to death.<sup>63</sup>

In summary, the foundations of life in the modern nation-state are firmly planted in the belief that treason requires harsh punishment. Too much is at stake for attacks against the fragile structures of society to be permitted.

### 3.4.3 MODERN EXAMPLES OF RESPONSES TO TREASON

I now turn to modern—even contemporary—responses to treason. Hobbes' harsh approach may seem remote and overly severe—more suited for previous centuries than for present peace-loving and enlightened people. However, one of Hobbes' modern editors cautions that warm feelings of tolerance abate when society feels real fear and faces real threats:

We constantly proclaim that individual liberty, the right to dissent from other people and from the government, is the sweetest and most valuable thing in our lives. We are thinking of silly, harmless religious sects and radical groups, and

<sup>60</sup> Hobbes, *Leviathan*, 224.

<sup>61</sup> Note that Locke separates the state of nature from the state of war, which Hobbes collapses into one.

<sup>62</sup> Locke, *Second Treatise*, chs.2, 3, 19.

<sup>63</sup> Rousseau, *Social Contract*, IV.8.

of people who wear outlandish clothes; we fear nothing from them. For Hobbes, dissent meant the religious strife that was tearing his England and his Europe apart. Many of the Catholic and Protestant groups of his day were well-organized, well-armed political parties that aimed at absolute domination of their countries and were more than eager to bring on civil war to win their aims.... When we *do* fear religious sects (such [as] the Mormons in the nineteenth century) or radical groups (such as the Communists) or people who wear outlandish clothes (such as transvestite homosexuals), our Jeffersonian government turns quite Hobbesian.<sup>64</sup>

Do modern states really respond to treason with Leviathan's fangs? I present several examples from American history for consideration.

#### 3.4.3.1 *The War on Terrorism: John Walker Lindh, "American Taliban"*

I begin with the most recent example: John Walker Lindh, the "American Taliban."<sup>65</sup> Raised in an affluent American family, he embraced Islam as a teenager, traveled to Yemen in 1998, and enrolled in an Islamic school in Pakistan in 2000.<sup>66</sup> He then joined the Taliban movement and went to Afghanistan where he was trained in the use of weapons, met Osama bin Laden, and fought for the Taliban against the Northern Alliance.<sup>67</sup> After the September 11, 2001 terrorist attacks, the American military moved against the Taliban in Afghanistan in partnership with the Northern Alliance. Lindh was suddenly caught up in fighting against his own country. Faced with an overwhelming military force, he fled and was taken prisoner by the Northern Alliance along with thousands of other Taliban soldiers.<sup>68</sup> He was placed in a military prison but was again thrust into action when a prison revolt broke out, which was put down by Northern Alliance troops with the aid of American warplanes. An American intelligence officer was killed in the prison revolt.<sup>69</sup> Lindh was brought back to America to stand trial and was indicted on ten criminal counts, with the most serious being conspiracy to murder U.S. nationals (both military and civilian) and aiding terrorist organizations (al Qaeda and the Taliban).<sup>70</sup> He could have received life imprisonment. In a plea bargain arrangement, Lindh confessed to the two lesser counts of serving in the Taliban army

<sup>64</sup> Francis B. Randall, introduction to *Leviathan*, by Thomas Hobbes (ed. Francis B. Randall; New York: Washington Square, 1964), xviii-xix, emphasis original.

<sup>65</sup> For a summary of the basic facts of the case, see CNN, "John Walker Lindh: Profile," (5 Feb 2002), n.p. Cited 17 Feb 2006. Online: <http://www.cnn.com/CNN/Programs/people/shows/walker/profile.html>. For a chronicle of the relevant portions of Lindh's life, cf. Mark Kukis, *"My Heart Became Attached": The Strange Journey of John Walker Lindh* (Washington, D.C.: Potomac, 2003).

<sup>66</sup> Kukis, *Heart*, chs. 1-3.

<sup>67</sup> Kukis, *Heart*, chs. 4-5.

<sup>68</sup> Kukis, *Heart*, ch. 6.

<sup>69</sup> Kukis, *Heart*, ch. 7.

<sup>70</sup> Paul J. McNulty, "United States of America v. John Phillip Walker Lindh," n.p. (cited 5 Mar 2006). Online: <http://www.usdoj.gov/ag/2ndindictment.htm>.

and carrying weapons. He was sentenced to twenty years in federal prison with no chance for parole.<sup>71</sup>

Lindh's story illustrates how an American cannot easily discard the responsibilities of citizenship. As with Hobbes' analysis, Lindh's primary responsibility is to support—or at least not subvert—the sovereign power of the American government. While the degree to which his support for the Taliban and other Islamic causes implied any anti-American sentiment is unclear, once he was brought back to America for trial, it became important for him to portray himself as one following an innocuous religious conviction without any intent of harming his nation. His lawyer said, "He was a soldier in the Taliban. He did it for religious reasons. He did it as a Muslim, and history overcame him."<sup>72</sup> His father said, "John loves America. And we love America. God bless America."<sup>73</sup> But the American government was intent that he be understood as a traitor to his country. John Ashcroft, the attorney general, put his case within this frame: "I would say very clearly that history has not looked kindly upon those that have forsaken their countries to go and fight against their countries."<sup>74</sup> A law professor, upon being asked if treason would be an appropriate charge for the case, replied,

Well, it's technically applicable, that is so say would [*sic*] consist of taking up arms against the United States.... It is probably the most serious charge that can be brought against a citizen, and one that's quite, quite difficult to prove. But on the superficial facts that we know, it's possible to bring that charge against him if he was in fact taking up arms against the United States, and proof could be made out.<sup>75</sup>

It should be noted that the burden of proof for American treason, which is specified in the Constitution, is exceedingly high to prevent abuse.

Also of interest is the case of Yaser Hamdi, another American citizen captured in the fighting in Afghanistan.<sup>76</sup> Hamdi was born in America but held dual citizenship with Saudi Arabia. After being held as an enemy combatant in the Guantanamo Bay prison for several months, his American citizenship was verified and he was transferred to a military prison in America. As part of a negotiated settlement, Hamdi renounced his American citizenship<sup>77</sup> and was released to Saudi Arabia, subject to certain restrictions.

<sup>71</sup> Kukis, *Heart*, chs.8-9.

<sup>72</sup> CNN, "Lindh."

<sup>73</sup> CNN, "Lindh."

<sup>74</sup> Gwen Ifill, Eugene Fidell and Mary Cheh, "American Taliban," (12 Dec 2001), n.p. Cited 6 May 2007. Online: [http://www.pbs.org/newshour/bb/military/july-dec01/walker\\_12-12.html](http://www.pbs.org/newshour/bb/military/july-dec01/walker_12-12.html).

<sup>75</sup> Ifill, Fidell and Cheh, "Taliban."

<sup>76</sup> CNN, "Hamdi Voices Innocence, Joy about Reunion," (14 Oct 2004), n.p. Cited 7 Mar 2006. Online: <http://www.cnn.com/2004/WORLD/meast/10/14/hamdi/>.

<sup>77</sup> American law allows but does not encourage multiple citizenship. "The U.S. Government recognizes that dual nationality exists but does not encourage it as a matter of policy because of the problems it may cause.... Dual nationals owe allegiance to both the United States and the foreign

Without weighing the merits of these cases,<sup>78</sup> the first point is that American law takes an attack against its government by a citizen extremely seriously. The first crime in Lindh's indictment, "Conspiracy to Murder U.S. Nationals," is part of the terrorism act and carries a maximum penalty of life imprisonment.<sup>79</sup> While modern democratic states tolerate and even foster free speech that is critical of the existing government, once a citizen goes beyond the open space provided for such by the law to threaten the sovereign power, the state prescribes the most severe penalties. It is suggested in the release of Hamdi, especially in the requirement that he renounce his American citizenship, that non-citizens are not viewed in the same way. In Hobbes' model, people in the state of nature are expected to be always at war with one another—this is not considered at all immoral but an exercise of righteous freedom. Likewise, it is assumed that nations and their various citizens are naturally all at war with one another.<sup>80</sup> Therefore, Hamdi was in some sense acting justly as a citizen of another nation. And because it is in the interest of the American government not to offend the Saudi government, it is reasonable to treat him as a prisoner of war who can be returned to his country as long as he is no longer a military threat. Thus, the different treatment of Lindh and Hamdi may be justified because treachery against one's own state is a worse offense than waging war from a position within one's own foreign state.

My primary point is that the perceived danger that terrorism is able to upset the stability of American sovereignty causes that sovereignty to bring substantial threats of violence against any citizen who contributes to that perceived danger.

#### 3.4.3.2 *The War on Drugs: The Downing of the Wrong Airplane*

The United States has a long history of policies to curb the use of certain drugs within its sovereignty that are seen to be harmful to its society. The language of these policies was intensified with the coining of the term "war on drugs" and the creation of a centralized Office of National Drug Control Policy in 1988. While the language of "war" might seem to be merely rhetorical, the shift in mindset and legal framework from controlling crime to fighting a war is significant (cf. §5.4.1). In a war, the normal legal controls and protection for innocent people are loosened in order to allow for the

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country" (United States Department of State, "Dual Nationality," n.p. [cited 24 Mar 2006]. Online: [http://travel.state.gov/travel/cis\\_pa\\_tw/cis/cis\\_1753.html](http://travel.state.gov/travel/cis_pa_tw/cis/cis_1753.html)).

<sup>78</sup> There is obviously much controversy about the facts and ethics of these cases. On the Lindh case, see polarized statements by his father (Frank Lindh, "The Real Story of John Walker Lindh," n.p. [cited 7 Mar 2006]. Online: <http://www.alternet.org/story/31211/>) and the CNN reporter who interviewed him after his capture (Robert Young Pelton, "The Truth about John Walker Lindh," n.p. [cited 7 Mar 2006]. Online: [http://www.kathryncramer.com/kathryn\\_cramer/2006/01/the\\_truth\\_about.html](http://www.kathryncramer.com/kathryn_cramer/2006/01/the_truth_about.html)).

<sup>79</sup> 18 United States Code §2332(b).

<sup>80</sup> This model has been substantially modified with the rise of globalization and the United Nations where supranational organizations become similar to a single global state.

effective use of force against an enemy who realistically threatens the state. The drug abuse problem in America is seen to be such a threat.

The reality of the “war on drugs” became apparent in the tragic 2001 downing of an unarmed missionary airplane in the Amazon Basin by the Peruvian Air Force with the active assistance of the United States military. The pilot was seriously wounded and the missionary’s wife and daughter were killed. The usual constitutional guarantees of presumption of innocence, jury trial, and punishment commensurate with the crime are overlooked under wartime conditions. One result of this state of affairs is that pilots in South America are subject to lethal force if suspected of drug trafficking. American law states that assistance to foreign governments for the “interdiction” (which includes the shooting down) of suspected aircraft is permitted under two conditions:

1. the aircraft is reasonably suspected to be primarily engaged in illicit drug trafficking; and
2. the President of the United States has determined that (a) interdiction is necessary because of the extraordinary threat posed by illicit drug trafficking to the national security of that foreign country, and (b) the country has appropriate procedures in place to protect against innocent loss of life in the air or on the ground in connection with interdiction, which shall at a minimum include effective means to identify and warn an aircraft before the use of force directed against the aircraft.<sup>81</sup>

Although the conditions refer to the “extraordinary threat posed by illicit drug trafficking to the national security of *that* foreign country” (emphasis added), clearly the national security of the United States is at least equally in view.

In the ensuing controversy over the taking of these innocent lives, most of the discussion in the media revolved around the mistake of shooting down an airplane that was in fact unrelated to the drug trade. The ethics of using military might to kill true drug traffickers was little discussed.<sup>82</sup> The sovereign’s fear of drug abuse destabilizing the state leads to the use of significant military violence against those involved without the protections normally afforded ordinary criminals. This example demonstrates that a modern Western state is fully willing to unleash powerful destructive force against those who are subverting the state, even if this is only a side-effect of their activity and not

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<sup>81</sup> Bureau for International Narcotics and Law Enforcement Affairs, “Peru Investigation Report: The April 20, 2001 Peruvian Shootdown Accident,” n.p. (cited 7 Mar 2006). Online: <http://web.archive.org/web/20010912013128/http://www.state.gov/g/inl/rls/rpt/pir/index.cfm?docid=4397>. Note the corrections and clarifications to the official report as presented by the missionary organization who sponsored the attacked missionaries: Association of Baptists for World Evangelism, “Comments on the Commission Report on the Peru Incident,” (23 Nov 2001), n.p. Cited 8 Mar 2006. Online: [http://web.archive.org/web/20011123205123/http://www.abwe.org/family/peru-report\\_comments.htm](http://web.archive.org/web/20011123205123/http://www.abwe.org/family/peru-report_comments.htm).

<sup>82</sup> A counterexample is Dave Kopel, “License to Kill: The (Drug) War on Civilians in Peru,” n.p. (cited 7 Mar 2006). Online: <http://www.nationalreview.com/kopel/kopel081601.shtml>.

their aim, and even if their actions involve no violence. In the modern Western world, the threats against states are broader than directly treacherous actions.

### 3.4.3.3 *The Cold War: Spying for the Soviet Union*

The Cold War between America and the Soviet Union from the 1950's through the 1980's was a time of high tension throughout the world as the two nuclear superpowers danced a complex choreography of diplomacy, indirect war, weapons development, and civil defense. Two great American concerns during the early stages of the Cold War were communist infiltration of American society and maintaining nuclear superiority. The fear of the Soviet Union fueled Senator Joseph McCarthy's suspicion that many Americans were seeking to undermine the nation because of communist sympathies. The surprisingly quick Soviet development of advanced nuclear weapon capabilities shocked America and raised questions of espionage. It was in this context in 1950 that Julius and Ethel Rosenberg were discovered to have provided nuclear secrets to the Soviet Union during World War II. They were convicted of conspiracy to commit espionage, and were both executed on June 19, 1953.<sup>83</sup>

The Rosenbergs' activities were uncovered as a result of the espionage confession of Klaus Fuchs, a British physicist on the American Manhattan Project. Upon conviction in Britain, Fuchs was sentenced to the maximum prison term allowable by British law, fourteen years. The brevity of his sentence was a result of the Soviet Union being an ally of Britain at the time of Fuchs' espionage, limiting the maximum sentence allowed under British law. The Rosenbergs also did their espionage while the Soviet Union was an ally of America, but the political situation had changed so dramatically after the end of World War II that the idea of American citizens aiding this (now) formidable enemy was outrageous. So although their supporters still claim that their goal was to aid the Soviet Union against Nazi Germany rather than to aid an enemy state, the setting of their trial within the Cold War context and the lack of a distinction in American law between providing classified national defense information to friendly and enemy nations meant that their activities were determined to be capital crimes.

Judge Irving Kaufman's statement upon sentencing the Rosenbergs to death reveals the issues thought to be at stake in their case. The critical issue for him was not so much that the Rosenbergs thought they were doing good or helping the communist cause that they supported, but the resulting fact that they directly disobeyed their sovereign power and that the result was an undermining of their sovereign's security.

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<sup>83</sup> Walter Schneir and Miriam Schneir, *Invitation to an Inquest* (London: W.H. Allen, 1966), 1-5.

He held them responsible not just for contributing to the Cold War risk to America, but for the currently hot Korean War. Judge Kaufman's words deserve quotation at some length:

The issue of punishment in this case is presented in a unique framework of history. It is so difficult to make people realize that this country is engaged in a life and death struggle with a completely different system.... I believe that never at any time in our history were we ever confronted to the same degree that we are today with such a challenge to our very existence....

The competitive advantage held by the United States in super-weapons has put a premium on the services of a new school of spies—the homegrown variety that places allegiance to a foreign power before loyalty to the United States. The punishment to be meted out in this case must therefore serve the maximum interest for the preservation of our society against these traitors in our midst....

I consider your crime worse than murder. Plain deliberate contemplated murder is dwarfed in magnitude by comparison with the crime you have committed. In committing the act of murder, the criminal kills only his victim. The immediate family is brought to grief and when justice is meted out the chapter is closed. But in your case, I believe your conduct in putting into the hands of the Russians the A-bomb years before our best scientists predicted Russia would perfect the bomb has already caused, in my opinion, the Communist aggression in Korea, with the resultant casualties exceeding 50,000 and who knows but that millions more of innocent people may pay the price of your treason. Indeed, by your betrayal you undoubtedly have altered the course of history to the disadvantage of our country....

In the light of the circumstances, I feel that I must pass such sentence upon the principals in this diabolical conspiracy to destroy a God-fearing nation, which will demonstrate with finality that this nation's security must remain inviolate; that traffic in military secrets, whether promoted by slavish devotion to a foreign ideology or by a desire for monetary gains must cease....

It is not in my power, Julius and Ethel Rosenberg, to forgive you. Only the Lord can find mercy for what you have done.

The sentence of the Court...is, for the crime for which you have been convicted, you are hereby sentenced to the punishment of death, and it is ordered...you shall be executed according to law.<sup>84</sup>

As Kaufman perceives, the problem with treason is that the victims of the crime extend far beyond the locus of its action. The state provides security for millions of people who are at serious risk apart from its protection. In the case of global nuclear security, it might be that all of humanity is at risk. The connection to Hobbes is obvious. The Rosenbergs were put to death as an example because the sovereign must not allow its rule to be subverted. A crime against a state is at the same time a crime against all of its citizens.

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<sup>84</sup> Schneir and Schneir, *Invitation*, 169-71.

## 3.4.4 YHWH'S RESPONSE TO TREASON

These modern cases of government response to grave societal threat illuminate YHWH's response to the golden calf apostasy. When Israel refused his sovereignty, his response was to threaten to destroy her and start anew. While the analogy with modern states' vigorous response to treason should be clear, two notable differences deserve comment.

First, YHWH's sovereignty over Israel is not of the same origin as Hobbes presents for Leviathan. In Hobbes' primary model, it is the citizens' mutual fear of one another that leads them collectively to institute Leviathan as a means of protection from one another (as well as from external enemies). Israel's story is obviously different, as she has not summoned YHWH to be her God in order to resolve interpersonal conflict.<sup>85</sup> Rather, YHWH brought Israel to himself, both in the original call to Abraham and the subsequent call to Moses, defeat of Egypt, and formation of the nation of Israel. This is not to deny that Israel agrees to YHWH's sovereignty, but to say that his sovereignty does not originate at her behest.<sup>86</sup>

Hobbes is aware of the reality that some sovereigns impose themselves upon their subjects and is anxious to avoid any questions about the legitimacy of a sovereign because of the origin of its rule. He differentiates between a "common-wealth by institution" (his primary case) and one "by acquisition" by the sovereign. He writes

*A Common-wealth by Acquisition, is that, where the Sovereign Power is acquired by Force; And it is acquired by force, when men singly, or many together by plurality of voyces, for fear of death, or bonds, do authorise all the actions of that Man, or Assembly, that hath their lives and liberty in his Power.*<sup>87</sup>

He then asserts,

And this kind of Dominion, or Sovereignty, differeth from Sovereignty by Institution, onely in this, That men who choose their Sovereign, do it for fear of one another, and not of him whom they Institute: But in this case, they subject themselves, to him they are afraid of.... But the Rights, and Consequences of Sovereignty, are the same in both.<sup>88</sup>

The common point in both cases is that the sovereign rules by fear. When instituted, the fear is between subjects. When acquired, the subjects fear the sovereign. Hobbes does not elaborate on the difference that this makes, but it seems reasonable in the case of acquisition that the subjects all have an additional contract—beyond the subjects' mutual contract to one another to surrender their will to the sovereign—with the

<sup>85</sup> Though it could be argued that her cry under Egyptian slavery, which rose up to God (Exod.2:23), was a request for aid from YHWH against an external enemy.

<sup>86</sup> On the question of Israel's consent to covenant with YHWH. cf. §4.3.1.

<sup>87</sup> Hobbes, *Leviathan*, 139, emphasis original.

<sup>88</sup> Hobbes, *Leviathan*, 139.

sovereign, agreeing to obey his will in exchange for their lives.<sup>89</sup> Thus, rebellion against the sovereign is a personal offense against *both* the sovereign and against one's fellow subjects. Since the sovereign is responsible for peace and security in both cases, treason is always an offense against the other subjects because of its threat to the stability of the societal order.<sup>90</sup> Thus, the idolatrous Israelites offend both YHWH, their sovereign, and the entire nation of Israel.

The second significant difference between the golden calf incident and a typical case of treason is that the golden calf, as portrayed in Deuteronomy, involves the entire nation of Israel (apart from Moses) rather than a small subversive element. Typically, treason against the state does not involve the entire citizenry, or even a substantial fraction of it.<sup>91</sup> While I have noted that modern treason can be considered a capital offense when committed by an individual, does it make any sense to extend this to being a capital offense by an entire population? For a modern state, it would make no sense for a sovereign—who has personal interests as well as state interests—to punish all of the state's subjects with death. Such an action would destroy the state by sovereign act rather than by popular treason. Practically, it would reduce the sovereign to being an ordinary person and leave no defense against foreign powers. But YHWH, ruler over all nations of the world (cf. 4:19), fears neither being reduced to ordinariness nor being subject to foreign nations. Thus, he is not obligated to strive with the people who presently constitute his nation. YHWH is determined to be the sovereign over *some* particular people (with obvious preference to the descendants of Abraham). When he threatens to destroy unsuitable Israel, he couples the threat with his intention to create a replacement people from Moses (9:14). It is crucial at this point to remember that Deuteronomy's Israel, like a modern state, is transcendent (cf. §2.2.3). Israel is more than her present population. Her extent is greater than her current population. When the generation at Horeb proved disloyal to YHWH, her offense was not only against YHWH, but against transcendent Israel, the entity that extends beyond the people who embody her at any moment in time. If YHWH condemned every member of that generation (except Moses) and began again with Moses, he would certainly have raised the sovereign's violence against a substantial number of traitors, but not against "all Israel" in the transcendent sense. He would not have extinguished Israel, for she is made

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<sup>89</sup> Note that this was not the case for the case of institution, since the only contract is between the subjects.

<sup>90</sup> A more detailed comparison of YHWH's sovereignty and that of Hobbes' Leviathan would be instructive but is beyond the present scope.

<sup>91</sup> Since the state depends upon loyal citizenry to defend the state against internal opposition, a substantial part of the population turning against the sovereign would shift the category from treason to civil war or revolution. An interesting comparison might be made with a mutiny where a substantial fraction of the crew of a ship turns against the captain.

up of both previous and future generations, institutions, laws, stories, actions in history, and—most importantly—the common identity as the people of YHWH.

No doubt, YHWH's threat against the entire population is extreme, but it is not different in kind from a punishment of mass treachery for the preservation of a threatened state. While a Hobbesian sovereign may punish treasonous individuals in order to protect the rest of the subjects and to maintain his sovereignty, YHWH is concerned with establishing and maintaining a nation, descended from Abraham, that will live in proper relationship with him and according to his vision for her. If the present population of Israel is unwilling to be this nation, he seems willing to begin again with Israel redux.

It could be argued that he should instead simply set Israel free to live apart from him rather than actively destroy her. Two responses to this suggestion can be made. First, it may very well be that such a passive destruction of the population is exactly what he has in mind.<sup>92</sup> As has been emphasized, Israel is defenseless against her external enemies without YHWH's aid (e.g. 9:1-2). But second and more importantly, Israel cannot be "set free" and yet remain Israel. Her primary identity is that she is the people of YHWH. The present population could be "set free" to choose an alternative identity, but then those people would no longer be Israel.<sup>93</sup>

It should also be noted that YHWH does not in fact carry out his threat to utterly destroy Israel and begin again. In fact, the Deuteronomy account of the event portrays no real violence against Israel whatsoever, only threats of it. In contrast, the Exodus account emphasizes that the individuals who are guilty of subverting YHWH's sovereignty receive their just punishment (Exod.32:33).<sup>94</sup>

In summary, YHWH's threatened violence in the golden calf remembrance is part of the foundational national myth of Israel, a call for Israel to remember the continual risk she runs by being YHWH's special possession. As Hobbes teaches, subjects of ordinary nations live in fear of their fellow-subjects and foreign powers, but as Moses teaches, Israel's special vocation is to fear YHWH. In both cases, the fear is not primarily one of existential terror, but of formative knowledge that shapes critical decisions for shaping both individual and society. While modern Western readers may reject YHWH's coercive destructive threats against Israel as portrayed in the

<sup>92</sup> Cf. the mixture of passive and active destruction in Deut.32:19-25 (§4.2.4.4).

<sup>93</sup> The issue of liberty and coercion is pursued in more detail in §4.3.1.

<sup>94</sup> The Levites' execution of three thousand Israelites (Exod.32:28) probably reflects the killing of the most prominent offenders, though likely with the imprecision demanded by war-like rather than police-like violence. Janzen suggests that the Exodus account portrays the execution of approximately 0.5% of the population—a small minority, but every death without exception should be considered of deep importance (Waldemar Janzen, *Exodus* [BCBC; Waterloo, Ont.: Herald, 2000], 390).

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remembrance, when contextualized within the reality of modern violence against those who contribute, even unwittingly, to the destabilization of the present societal order, YHWH's threatened violence becomes considerably more conceivable, and perhaps even reasonable.

*Freedom, democracy, and free enterprise....  
These values of freedom are right and true for  
every person, in every society—and the duty of  
protecting these values against their enemies is  
the common calling of freedom-loving people  
across the globe and across the ages.*

—George W. Bush<sup>1</sup>

## Chapter 4

# Destruction and Restoration as Coercion

In the previous chapter, YHWH threatened Israel with destruction for the golden calf offence. If YHWH's people reject his claim to exclusive loyalty, they risk his destructive force as disloyal citizens within the modern nation-state risk the state's destructive force. This same demand and threat appear in the passages considered here: Deut.4 and 32. But a new element appears in these chapters: the restoration of disloyal and destroyed Israel as the reconstituted people of YHWH. While in one sense this "kindness" of reinstatement might relieve some measure of the difficulty with YHWH's wielding of destructive force, in another sense the problem for the modern Western reader is sharpened further. Israel is restored not to a place of independence and self-determination—the classical liberal ideal—but back to the place YHWH demands for her: showing loyalty to him alone. Israel is not allowed to follow the "other gods" to whom she turns, but is "restored" as the people of the demanding and threatening YHWH. If violent destruction is troublesome for many readers, these tones of coercion might be even more troubling. Celebrated Western heroes who have preferred

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<sup>1</sup> George W. Bush, "The National Security Strategy of the United States of America," (Sep 2002), n.p. Cited 1 Mar 2007. Online: <http://www.whitehouse.gov/nsc/nss.pdf>. Also available in Wes Avram, ed. *Anxious about Empire: Theological Essays on the New Global Realities* (Grand Rapids: Brazos, 2004), 187.

destruction over coercion include Patrick Henry, who famously proclaimed, “Give me liberty or give me death!”, and the William Wallace of Mel Gibson’s *Braveheart* who inspires Scots to fight English oppression:

Aye, fight and you may die. Run and you’ll live...at least for a while. And dying in your beds, many years from now, would you be willing to trade all the days, from this day to that, for one chance, just one chance, to come back here and tell our enemies that they may take our lives, but they’ll never take our freedom!<sup>2</sup>

In this chapter, I examine Deut.4 and 32 with particular attention to the portrayals of YHWH’s demands, threats, destruction, and restoration. I then consider the idea of religio-political coercion as it appears in these passages with reference to modern ideas of liberty and its manifestation within the modern liberal democratic nation-state system.

#### 4.1 DEUTERONOMY 4: LOYALTY TO YHWH

In this section, I consider Moses’ sermon in Deut.4:1-40 (hereafter, “the sermon”). This passage provides the hinge point between Moses’ first and second discourse, connecting the historical retrospective of Deut.1-3 and the decalogue in Deut.5. The sermon exhorts Israel to obey YHWH’s commands, specifically the command that prohibits idolatry.

##### 4.1.1 BOUNDS, UNITY, STRUCTURE, AND CONTEXT

I first consider the bounds of the passage. The inference-drawing phrase וְעַתָּה in 4:1 marks a decisive shift from the historical retrospective of Deut.1-3 to the hortatory sermon of Deut.4.<sup>3</sup> The sermon concludes at the end of 4:40, where the voice shifts from Moses to the narrator. Verses 1-2 and 40 frame the sermon with injunctions for obedience. Thus, the extent of the passage for consideration here is 4:1-40.

Given these bounds, the question remains whether the text possesses literary unity. Opinions vary considerably on this matter. Noth identified “Deut 1-3(4)” as the introduction to the “Deuteronomistic History” rather than integral to the book of Deuteronomy. His notation separates off Deut.4 as “a special case.”<sup>4</sup> In his analysis of the chapter, he argues that it lacks inner unity and reconstructs the original text as vv.1-2, 5-8, 10-14, 22-23a, 25-28.<sup>5</sup> Von Rad likewise opines that “the contents do not make a perfect whole, for the admonitions proceed oddly along a double track.”<sup>6</sup> One track is

<sup>2</sup> Randall Wallace, *Braveheart* (dir. Mel Gibson; Century City, Calif.: 20th Century Fox, 1995).

<sup>3</sup> Cf. ch.3 n.12.

<sup>4</sup> Martin Noth, *The Deuteronomistic History* (JSOTSup 15; Sheffield: JSOT Press, 1981), 14.

<sup>5</sup> Noth, *Deuteronomistic History*, 33-4.

<sup>6</sup> He goes as far as to assert, “This cannot be the original form,” citing the “clear break” between vv.14 and 15 (von Rad, *Deuteronomy*, 49).

the comprehensive law given at Horeb and the other is the specific prohibition of idols. This concern may be unwarranted, however, if, as I have argued, idols and other gods are the central concerns of the law.<sup>7</sup> Another persistent challenge for commentators on Deuteronomy in general and the sermon in particular is the *Numeruswechsel*—the change between singular and plural second person addresses. Source critics use this feature extensively as a clue to teasing apart the layers behind the text. Mayes argues persuasively that the unifying features of the sermon outweigh the curious *Numeruswechsel*.<sup>8</sup> He writes, “The change of address has a clear emphatic function and cannot possibly be used to weaken the strong case which can be made for unity of authorship in 4:1-40.”<sup>9</sup> While emphatic function is difficult to demonstrate to skeptics, it is true that the unity of the sermon supersedes any concern over the *Numeruswechsel*.

Despite these difficulties, the sermon is unified. As Braulik argues at length, there is a unity of language, form, and content.<sup>10</sup> The most persuasive elements are the form and content. In form, the sermon breaks down into six sections (vv.1-4, 5-8, 9-14, 15-22, 23-31, 32-40). Each section has its own coherence and each contains an opening admonition to heed the law<sup>11</sup>—though the last section *ends* with the call for obedience, establishing closure. At a higher level, the sermon can be structured as an introduction (vv.1-8), a central teaching (vv.9-31) and a conclusion (vv.32-40). The two subsections of the introduction are unified by the imperatives “hear” (v.1) and “see” (v.5). The central teaching is unified by each subsection opening with the verb “be careful” (שמר) with various forms of לך and לנפשך (“for yourself,” “for your soul”). Further, each warning contains one or more “lest” (פן) clauses that trace out the results of failing to be careful.<sup>12</sup>

<sup>7</sup> Cf. §2.3.1.

<sup>8</sup> A.D.H. Mayes, “Deuteronomy 4 and the Literary Criticism of Deuteronomy,” in *A Song of Power and the Power of Song: Essays on the Book of Deuteronomy* (ed. Duane L. Christensen; Winona Lake, Ind.: Eisenbrauns, 1993), 197-202.

<sup>9</sup> Mayes, “Literary,” 201. Note that my concern is *literary* unity rather than Mayes’ focus on *authorial* unity. On the details of the emphatic function of the *Numeruswechsel*, cf. Georg Braulik, *Die Mittel deuteronomischer Rhetorik: Erhoben aus Deuteronomium 4, 1-40* (AnBib 68; Rome: Biblical Institute Press, 1978), 149-50. He summarizes, “Die häufigste Funktion des Numeruswechsels ist das Herausheben von Höhepunkten innerhalb einzelner Abschnitte, deren Struktur damit schärfer profiliert wird” [The most frequent function of the *Numeruswechsel* is the singling out of high points within individual sections, the structures of which are thereby defined more sharply]. McConville concurs but believes some changes are simply a matter of style: the number changes “tend, moreover, to occur at the beginning and end of lines, possibly therefore serving a rhetorical purpose; at other times they simply reflect a tendency to mobility in style” (McConville, *Deuteronomy*, 101).

<sup>10</sup> Braulik, *Mittel*. Mayes, “Literary,” summarizes Braulik. Jon D. Levenson, “Who Inserted the Book of the Torah?” *HTR* 68:3/4 (1975): 203-7 critiques the argument for disunity in Henri Cazelles, “Passages in the Singular within Discourses in the Plural of Dt 1-4,” *CBQ* 29:2 (1967): 213-5. Cf. also the summary of views on unity in Nelson, *Deuteronomy*, 61-3.

<sup>11</sup> Braulik, *Mittel*, 82.

<sup>12</sup> Braulik, *Mittel*, 82-3.

As to the unity of the sermon's content, while von Rad sees the themes of obedience to the law and avoiding idols as two separate tracks, I argue that the sermon's focus on idolatry as a violation of exclusive loyalty to YHWH is foundational to Israel's life with YHWH under the whole law. This justifies the sermon's preoccupation with idolatry.

Within its context, the sermon formally belongs to Moses' first discourse while preparing for the second by connecting Israel's history with YHWH to the actual commandments of the decalogue. He has rehearsed Israel's failure at Kadesh-barnea (1:19-2:15), her success against Sihon and Og (2:26-3:22), and YHWH's unyielding decision to block Moses from the land (3:23-28). With Joshua prepared as Moses' successor (3:28), the historical retrospective pauses with Israel at Beth-peor (3:29). Moses is preparing the people to take the land. While the victories over Sihon and Og demonstrate the possibility of possessing it through YHWH's strength, the Kadesh-barnea experience raises the possibility of failure. Faithfulness to YHWH is the linchpin and the memory of Israel's idolatry at Beth-peor (cf. Num.25) reminds Israel of the cost of following other gods.<sup>13</sup>

#### 4.1.2 EXEGESIS

##### 4.1.2.1 Introduction (4:1-8)

The two main themes of the sermon are introduced in the first eight verses: the necessity of Israel heeding the commands of YHWH (vv.1-4) and the uniqueness across all nations of Israel's relationship with YHWH (vv.5-8).

Verses 1-4 summarize the relational dynamics between Israel and YHWH in three steps. First, YHWH gives commandments to Israel. Second, obedience leads to life in the land. Third, disobedience leads to destruction. There are two sides to Israel's life in the land: it is YHWH's free gift ("the land that the LORD...is giving you," v.1) and yet its initial and continuing possession depends upon Israel's obedience ("give heed to the statutes and ordinances...so that you may live to enter and occupy the land"). As offenders were destroyed at Beth-peor while the obedient were kept alive, so it shall continue to be. Though the slightest deviation from the commandments is culpable (v.2), the Beth-peor example highlights disloyalty to YHWH and following

<sup>13</sup> Mayes observes that Deut.1-3 does not rehearse the key historical moments that drive the sermon: the theophany at Horeb, the exodus, and the details of the betrayal at Beth-peor (Mayes, "Literary," 204). However, the thematic connections I note provide sufficient context for a coherent canonical reading. On the continuity of the themes of divine presence, human obedience, election, and the land across Deut.1-4, cf. Nathan MacDonald, "The Literary Criticism and Rhetorical Logic of Deuteronomy i-iv," *VT* 56:2 (2006): 203-24.

other gods as the primal disobedience (v.3).<sup>14</sup> Moses offers no moral justification for YHWH's right either to command Israel or destroy the disloyal. These are simply the terms of the relationship between Israel and YHWH.

In vv.5-8 Moses glorifies YHWH's commandments that he teaches Israel.<sup>15</sup> The law is no oppressive burden, but rather her enlightening guide for life. So unique are Israel's laws, that the nations will exclaim, "Surely<sup>16</sup> this great nation is a wise and discerning people!" (רק עם־חכם ונבון הגוי הגדול הזה) (v.6). Moses here introduces the theme of the nations (גוי: vv.6, 7, 8; עם: v.6), who play an important role throughout the sermon (גוי: vv.27, 34, 38; עם: vv.19, 27, 33; Egypt: vv.20, 34, 37). Israel is unlike any other nation, yet not because of herself but in her synergy with YHWH (cf. 7:7-8). YHWH provides both a just way of life and responsive closeness to Israel. As discussed in §7.5, YHWH enables Israel's society to succeed through justice that is unattainable by other nations.

These two introductory themes of the sermon—the necessity of obedience and the unique relationship with YHWH—cannot be separated. It is only through this relationship that Israel has the opportunity—and responsibility—to obey, and disobedience is tantamount to Israel seeking dissolution of the relationship.

#### 4.1.2.2 Central Teaching (4:9-31)

The central teaching of the sermon is contained in vv.9-31. Braulik observes three formal sections (vv.9-14, 15-22, 23-31) that are marked by the admonition to "take care" (שמר) of "yourselves" (לך or לכם) or "your lives" (לנפשתיכם or נפשך), with a warning of what carelessness may produce, marked by "lest" (פן).<sup>17</sup>

In the first section (vv.9-14), Moses warns Israel to take care lest she forget what she has seen at Horeb (vv.9-10). This encounter with YHWH is both to remain within her heart and to be passed to each succeeding generation.<sup>18</sup> YHWH's purpose was to teach Israel to fear him. Within a treaty context, fear is not primarily an emotion of terror but loyal obedience.<sup>19</sup> In the awesome fire and cloud of the theophany, the principal grandeur was in the words YHWH spoke (v.12). These words are "his

<sup>14</sup> Cf. §2.3.1. Note the emphatic shift from בית פעור (3:29) to בעל פעור (4:3) (Nelson, *Deuteronomy*, 64).

<sup>15</sup> The verb "teach" is in the suffix conjugation, usually meaning a past event. Von Rad suggests that Moses is referring to a previous recounting of the law (von Rad, *Deuteronomy*, 49), which is how KJV, NASB, and JPS render it. However, Mayes surely rightly interprets it as a declarative perfect (Mayes, *Deuteronomy*, 150; cf. GKC, §106i).

<sup>16</sup> The asseverative, restrictive רק indicates recognition of Israel's singular quality (cf. BDB, 956c; Nelson, *Deuteronomy*, 59).

<sup>17</sup> Cf. n.12 above.

<sup>18</sup> Moses emphasizes that his audience stood before YHWH at Horeb in v.10, even though it was actually their parents' generation (cf. 5:3-4). It is the words communicated there that are foundational, not the experience itself.

<sup>19</sup> Cf. §2.2.1, also Childs, *Exodus*. 373.

covenant, which he commanded you to observe” (בריתו אשר צוה אתכם לעשות, v.13). Although these words include the mediated statutes and commandments (v.14), the divinely communicated ten commandments are central (v.13). The foundational commandment among these is the prohibition of other gods and images.<sup>20</sup> This is Moses’ focus as he recalls what Israel saw at Horeb—or rather what she did *not* see: “You heard the sound of words but saw no form; there was only a voice” [v.12].

As introduced by Moses’ reminder that Israel saw no form at Horeb, the second section (vv.15-22) expands on the continuing implications of Israel’s encounter with the formless YHWH. Israel is to take care lest she forget her encounter at Horeb. Now she is warned to take care lest (פן) she “act corruptly by making an idol” for herself (תשחתון ועשיתם לכם פסל, v.16) and lest (פן) she look up to heaven, see the sun, moon, and stars, and “be led astray and bow down to them and serve them” (ונדחתם והשתחווית להם ועבדתם, v.19). Idolatry threatens the unique and exclusive relationship between Israel and YHWH. Moses dismisses for Israel the worship of images of created things “that the LORD your God has allotted (חלק) to all the peoples everywhere under heaven” (v.19). These things are for the gentiles. Of all the nations, Israel is the one and only for YHWH—emphasized by the contrasting ואתכם (“but you”) that begins v.20. The logical consequence is that YHWH is the one and only for Israel.<sup>21</sup>

Even though Israel and YHWH are presented synergistically here, it is by no means a relationship of equals. YHWH holds all of the power, as demonstrated by his rescue of the powerless Israelites from Egypt. In so taking her, Israel now belongs to him and has become his own possession or inheritance (ואתכם לקח יהוה...להיות לו, v.20). Israel has her inheritance in the good land of Canaan; YHWH has his inheritance in Israel.<sup>22</sup> The section closes with Moses’ sober reminder that Israel’s former disobedience has led to him losing his inheritance (“I am going to die in this land without crossing over the Jordan” [v.22]). If Israel replaces YHWH with an idol, robbing him of his inheritance, her own inheritance will be lost as surely as was Moses’.

The third section (vv.23-31) plays out the results if Israel fails to remember Horeb and worships an idol in place of YHWH. If she proves disloyal, the awe-inspiring

<sup>20</sup> Cf. §2.3.1. This passage integrates the first commandments (Deut.5:6-10) by echoing the prologue of the decalogue (v.20), the other gods of the first commandment (v.19), the images of the second commandment (vv.16-23), and YHWH’s jealousy (v.24) (Patrick D. Miller, *Deuteronomy* [IBC; Louisville: John Knox, 1990], 58).

<sup>21</sup> This exclusiveness of relationship between YHWH and Israel is foundational. MacDonald effectively argues that the concept of monotheism in this passage is not so much an ontological point on the non-existence of other gods as an existential statement of how Israel relates to YHWH (Nathan MacDonald, *Deuteronomy and the Meaning of “Monotheism”* [FAT 2, 1; Tübingen: Paul Mohr, 2003], 78-85).

<sup>22</sup> Cf. the language of “treasured possession” (סגולה) in 7:6; 14:2; 26:18 and Exod.19:5. In each of these places, Israel is explicitly described in contradistinction to the other peoples of the world.

fire of YHWH at Horeb will become the devouring fire of his jealousy (“The LORD your God is a devouring fire, a jealous God,” יהוה אלהיך אש אכלה הוא אל קנא, v.24). The rhetoric moves to the distant future when the risk runs high that she will turn to some idol in place of YHWH (v.25).<sup>23</sup> The verb for Israel’s idolatry is שחתה (*hiphil*, v.25, cf. v.16), which has the sense of spoiling or perverting. Disloyal Israel destroys her fundamental identity as YHWH’s people.<sup>24</sup> If she fails to take care, she will do what is formulaic in Deuteronomy, with its formulaic result: “doing what is evil (הרע) in the sight of the LORD your God, and provoking him to anger (כעס, *hiphil*)” (v.25).<sup>25</sup> Though the grammar does not insist that this is the inevitable course of events, the less conditional v.30 and the overall tone lend a certain probability to these events.

What is disloyal Israel’s fate? She will quickly and utterly perish (אבד תאבדון) through removal from the land (v.26) and be exiled (והפיץ יהוה אתכם בעמים) (“the LORD will scatter you among the peoples,” v.27). Clearly, “destruction” (שמד and אבד), even in this emphatic form, does not mean utter annihilation.<sup>26</sup> The giant nation of Israel will be reduced to a few (v.27). Israel’s inheritance in seed and land will be taken away as she has taken herself away as YHWH’s inheritance. In a move of in-kind punishment for idolatry, the survivors will suffer the indignity of serving lifeless non-gods, products of their captors’ hands: “There you will serve other<sup>27</sup> gods made by human hands” (ועבדתם-שם אלהים מעשה ידי אדם, v.28).

But Israel’s violation of her exclusive relationship with YHWH does not damage it beyond salvage. In a surprising reversal, maintaining the ever-present tension of free gift and conditionality, Moses affirms that Israel will seek and find YHWH again, if she does so with her entire heart and soul (v.29).<sup>28</sup> Then without reservation, he prophesies that she will return to YHWH her God, and most importantly, she will then heed him (ושמעת בקולו): lit. “obey his voice”).<sup>29</sup> But this change in Israel pivots on her

<sup>23</sup> N.B. that “you” can refer to the parents of the audience in v.10 and the far off descendants of the audience in v.25. All generations of Israel are collapsed in the logic of the sermon, which directs its message to Israel across time.

<sup>24</sup> Cf. §3.2.2.3.

<sup>25</sup> Cf. §2.3.2.

<sup>26</sup> Cf. §2.3.2.

<sup>27</sup> “Other” does not appear in MT or Sam., but does in LXX and Syr. (Nelson, *Deuteronomy*, 60).

<sup>28</sup> The three waw-consecutive imperfects (ובקשאתם, ומצאתם, and ושבתם) in vv.29-30 can be understood in a number of different ways other than an assured statement of future events. Other possibilities include potential (“you might”), permissive (“you may”), desiderative (“you will want to”), obligative (“you ought to”), or injunctive (“you must”) (Ronald J. Williams, *Hebrew Syntax: An Outline* [2nd ed.; Toronto: University of Toronto Press, 1976], §169-173). Taken together with the conditional כי, the most compelling sense is that v.29 stipulates a condition on Israel that she search after YHWH wholly. But once that non-trivial condition is accomplished her return to YHWH is sure. Verse 30 has no condition, so seems more predictive that Israel actually will return to YHWH.

<sup>29</sup> All 22 appearances of בקול in Deuteronomy occur as the object of the verb שמע. In every case, the sense is “obey” or “heed.” In 1:45, YHWH is the subject, so “heed” would be more appropriate than “obey.” In each case, the clause indicates a positive response to a request or demand. In the 13 places where בקול without the ב prefix is the object of שמע, all but two indicate hearing without any sense of

destruction, her exile, her reduction in numbers, and her worship of non-gods. It only happens “in your distress, when all these things have happened to you” (v.30). For disloyal Israel, loyalty only appears after divinely appointed suffering.

The central teaching of the sermon closes with an explanation for Israel’s restoration, based on a statement of YHWH’s character and commitment: “Because the LORD your God is a merciful (רחום) God, he will neither abandon you (רפה, *hiphil*: lit. “let drop”) nor destroy you (שחח, *hiphil*); he will not forget the covenant with your ancestors that he swore to them” (v.31). The creedal tone recalls the axiomatic Exod.34:6-7, but here in Israel’s story the existential implications of YHWH’s penchant for forgiveness and refusal to leave the guilty unpunished become clear. There is no tension between the promise to destroy Israel in v.26 (אבד and שמר) and the promise not to destroy her in v.31 (שחח). In Deuteronomy, the former terms are used for devastation and suffering, the latter for becoming corrupt. In particular, interpersonal uses of שחח point to the dissolution of the exclusive relationship between Israel and YHWH, either through Israel’s idolatry (4:16, 25; 9:12; 31:29; 32:5) or YHWH terminating the covenant (9:26; 10:10).<sup>30</sup> It is this final dissolution that YHWH is unwilling to initiate or allow (cf. 10:10), though ugly suffering is a tool he is willing—and likely—to use.

#### 4.1.2.3 Conclusion (4:32-40)

The conclusion of the sermon (vv.32-40) draws together again the two themes of obedience and uniqueness. The conclusion can be divided into three sections: rhetorical questions about uniqueness (vv.32-34), the privilege and purpose of Israel (vv.35-38), and an exhortation to respond properly (vv.39-40).

In the first section (vv.32-34), broadening his canvas to include all time and all space (v.32), Moses asks, “Has anything so great as this ever happened or has its like ever been heard of?” (v.32). He then focuses on Horeb and the exodus: “Has any people ever heard the voice of a god speaking out of a fire...? Or has any god ever attempted to go and take a nation for himself from the midst of another nation...?” (vv.33-34).

YHWH’s ontological uniqueness is not the emphasis here, but the incomparable

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compliance with a request or demand. The last two cases are more marginal. In 26:7, Israel cries out to YHWH under her Egyptian affliction and YHWH “heard our voice” and then “brought us out of Egypt” (26:8-9). This is not a contradiction with the general rule for two reasons. First, Israel’s cry is not specifically a request or demand. Second, the logic of the passage separates YHWH’s hearing and action, implying the response is not subsumed under קול...שמע. The last occurrence is Moses’ blessing of Judah where he uses the imperative form of שמע to request that YHWH heed Judah’s voice. The lack of the ב prefix might be to soften Moses’ request, for to tell YHWH to obey Judah would be audacious. Even if the explanation for the last case is weak, the general rule of differentiating בקול...שמע and קול...שמע is valid within Deuteronomy.

<sup>30</sup> Two other occurrences in the Deuteronomic law code concern the ruining of trees during a siege (20:19, 20).

connection between Israel and YHWH. YHWH has taken Israel for his own out of Egypt and spoken to her. But why has he done this?

The second section (vv.35-38) focuses on Israel with an emphatically placed אַתָּה (v.35). This section contains a number of infinitive constructs of purpose, which bridge between the facts of YHWH's deeds and Moses' call for response that follows. "To you it was shown so that you would acknowledge (לִדְעַתָּה) that the LORD is God; there is no other besides him" (v.35). YHWH's purpose is for Israel to abide in her unique relationship with him.<sup>31</sup> "From heaven he made you hear his voice to discipline you" (v.36). YHWH's purpose is Israel's discipline, with his disciplinary consuming fire in the background (v.36b; cf. vv.25-31). The choosing of Abraham's descendants is not connected to a purpose clause but a causal כִּי: "And because he loved your ancestors, he chose their descendants after them" (v.37). This connection between love and choosing is repeated in Deuteronomy (7:6-8; 10:14-15; 14:1-2),<sup>32</sup> with the focus here being that YHWH's commitment to Israel follows from their heritage. But YHWH's commitment can be viewed from a different perspective: it also means that later Israel is not being asked for consent of YHWH's choice of her. Moses finally reiterates the purpose behind Israel's rescue from Egypt: to dispossess the nations more powerful than Israel, to bring Israel in, and to give her the land as an inheritance.<sup>33</sup> As Israel listens on the edge of the land, it is clear that YHWH's purpose for her is to dwell there, to gain her inheritance, but this destiny is contingent on her obedience (cf. v.26), her willingness to live as YHWH's inheritance (cf. v.20).

The sermon closes with a summary appeal for its two main themes: uniqueness and obedience (vv.39-40). YHWH's purpose is for Israel to confess his—and consequently, her—uniqueness (v.35) and the purpose is now transformed into imperative: "So acknowledge (יִדְעַתָּה) today and take to heart that the LORD is God in heaven above and on earth beneath; there is no other" (v.39). This acknowledgment leads to the necessity of obedience—especially the obedience of loyalty—with good life in the good land at stake: "Keep his statutes and his commandments...so that you may long remain in the land that the LORD your God is giving you for all time" (v.40).

<sup>31</sup> Cf. §2.2.1 on the meaning of יָדַע in a treaty context. On the question of monotheism here and in v.39, cf. n.21.

<sup>32</sup> Tigay, *Deuteronomy*, 56, n. 103.

<sup>33</sup> The NRSV translates the first and third clauses as participles rather than infinitives, which loses the purpose sense of the Hebrew infinitive construct. The KJV, NIV and JPS translate all three as infinitives. Von Rad claims to see an editor's inconsistency in v.38: "The preacher has forgotten the fiction of Moses' speech before the conquest" (von Rad, *Deuteronomy*, 51). However "as it is today" (כִּי־יָדַעְתָּ הַיּוֹם; NRSV oddly adds the word "still") does not necessarily imply anything more than the trans-Jordan conquest. The defeats of Og and Sihon are the foretaste of the fuller conquest (cf. 3:21-22) and part of the powerful rhetoric of the sermon. Of course, later readers automatically add the conquest of Canaan itself to Moses' words, making the sermon even more persuasive for the continuing necessity of remaining loyal to YHWH.

## 4.1.3 SUMMARY

Within its sermon form, Deuteronomy 4 communicates a logical sequence of Israel's relationship with YHWH. Their relationship has a starting point in election, YHWH's choosing of Israel, and his contrasting allotment of the host of heaven to the gentile nations for worship (v.19). Israel's election is consummated in the exodus (vv.20, 37) and the conquest (v.38). She was brought out of another nation—something no other god has even attempted (v.34). She was brought to Horeb and witnessed YHWH's fire and voice—and lived (v.33). She was given righteous laws that endow her with notable wisdom and discernment (v.6). She has dispossessed the trans-Jordan kings and will soon take Canaan (vv.22, 38). But most importantly in all of this, she has been given a unique intimacy with YHWH, who is near when she calls (v.7).

Israel's relationship with YHWH is decidedly asymmetric. He has loved; he has chosen; he has taken for his own; he has brought out; he has dispossessed other nations; and he will not abandon. He is not portrayed as asking Israel's permission, negotiating terms, or offering an exit option. He is powerful; she is powerless. He is subject; she is object. Is YHWH a benevolent power for Israel? In Moses' sermon, YHWH is neither *for* Israel nor for himself. Rather, he is for the synergy of himself and Israel.

Benevolence would mean always being kind to Israel, but kindness in an ordinary sense would not be the best way to describe the bloodshed at Beth-peor (v.3), the blocking of Moses from the land (vv.21-22), or the promised exile and destruction that will result from disobedience (vv.26-28).

Within Israel's established relationship with YHWH, obedience to his commands is the *sine qua non* for life in the land (vv.1, 40). His commands are imposed unilaterally<sup>34</sup> upon Israel and are not open for human adjustment (v.2). Disobedience brings destruction (vv.3, 25-26), which ultimately takes the form of exile from the land (v.27). But destruction will not be the end of Israel, for Israel's distress leads to her return to him (vv.29-30).<sup>35</sup> Restoration does not mean YHWH acquiesces to her rebellion for it is contingent on Israel's renewed obedience to his commands ("You will return to YHWH your God and heed him," v.30).

The content of YHWH's commands is not arbitrary, but objectively praiseworthy from the nations' perspective (v.6). Israel will reflect on these commands and call them just (v.8). The only command that is explicitly named in the passage is the

<sup>34</sup> Other texts (e.g. Deut.5:27) put more emphasis on Israel's acceptance of YHWH's commands, but this is not a feature of Deut.4.

<sup>35</sup> The text does not resolve the tension between the utter destruction in death of the individuals who followed the Baal of Peor (v.3) and the promise of restoration for Israel after her corporate destruction (v.30).

prohibition of idolatry (vv.15-19).<sup>36</sup> Idolatry is not just one offense among many, but is a rejection of the YHWH/Israel synergy. YHWH demands that Israel be *his* people and no one else's.

The sermon contemplates a possible future where Israel is disloyal to YHWH through idolatry (v.25). The consequences are dire yet not utter. In YHWH's provoked anger, he will destroy her through reduction of population, removal from the land, and scattering among the nations (vv.26-27) where she can pursue her idolatry (v.28). But this is not autonomy. She is not free to choose idols for herself and forget YHWH. She is not free to choose life apart from YHWH. He brings her to a point of distress (צָר, v.30), a point of change. In this hypothetical future, Israel will then return (שׁוּב) to YHWH. There is always some contingency (cf. n. 28), but Israel's refusal to return to YHWH is not contemplated by the sermon. Reconciliation does not involve any change for YHWH, only for Israel: "you will...heed him" (וּשְׁמַעְתָּ בְּקוֹלוֹ, v.30). YHWH is represented as a constant and contrasts with Israel's disloyalty and return. Despite a silence about YHWH restoring Israel to the land, re-establishing the covenant, and rebuilding her devastated population, with the merciful YHWH (v.31) such is assumed.

## 4.2 DEUTERONOMY 32: A SONG OF DISLOYALTY

I now turn to the so-called Song of Moses (Deut.32) and its narrative frame. The Song of Moses (hereafter, "the song") has particular value for interpreting YHWH's threats of destruction against disloyal Israel. Unlike passages portrayed in the canonical flow as *warning* Israel against disloyalty (e.g. Deut.4, 9-10, 28), the song is presented as an *interpretation* of Israel's experience of destruction. According to its narrative frame, the song is implanted into Israel's memory so that after her disloyalty and YHWH's destructive force, it will help her to understand what has happened.

### 4.2.1 GENRE AND BOUNDS

The interpretation of the song depends critically on the bounds of the text for study. From a form critical perspective, the poetic song invites the interpreter to isolate it from its narrative frame. In addition to its distinct genre, commentators often note an apparent incongruity between the song and the interpretation of it presented in the narrative introduction (31:16-30). Von Rad writes, "[The narrative frame's] interpretation of the Song...is a very arbitrary one, and it must be said that it diminishes to some extent the purport of the Song." McConville sees "an incongruity in the preparation for the Song

<sup>36</sup> The ten commandments are cited but not listed (v.13).

in 31:16-22 and the Song itself.” Tigay agrees, arguing that the narrative introduction only fits the first half of the Song (vv.1-25) but disregards the second half.<sup>37</sup> All three see the narrative introduction as describing a song that indicts Israel for covenant unfaithfulness and justifies YHWH’s punishment. But the song itself goes beyond indictment and justification, continuing on with YHWH saving Israel from complete destruction and punishing the nations. This apparent disharmony (among others) leads source and form critics to conclude that the song has an independent history from the narrative. Although the song may have a complex literary history, it would be wrong to decide too quickly that the song and its frame are incoherent. I argue in my exegesis that a consistent reading with the narrative context is both possible and helpful for interpreting the song.

Despite much effort, form critics have not generated a consensus on the song’s genre. Wiebe notes that previous genre labels for the song include “a religio-political song” to recruit warriors for battle [Cassuto]; “a prophetic theodicy” [Mendenhall]; and a “didactic poem” [Driver].<sup>38</sup> However, most recent commentators follow the lead of Wright<sup>39</sup> in likening the song to a *riḅ* or “covenant lawsuit.” However, the song does not fit that form very well, leading Wright to call it an elaborated or expanded lawsuit and Wiebe a “deliberative *riḅ*.”<sup>40</sup> Wright summarizes this covenant lawsuit form as containing five elements: (1) call to witnesses; (2) introductory statement of the case; (3) recital of the suzerain’s benevolent acts; (4) indictment; and (5) sentence.<sup>41</sup> However, this outline is only plausible for the first part of the song, through about v.26. Eschewing modifications to the form to get better agreement, Tigay rejects the covenant lawsuit form, citing its wisdom character<sup>42</sup> and lack of mention of the covenant. I agree with his conclusion: “The argument that the poem is modeled on a ‘lawsuit’ for breach of covenant is unconvincing.”<sup>43</sup>

Mendenhall interprets the song by focusing on its content rather than appealing to a force-fitted form. He argues that the text is a “prophetic oracle” that speaks into a

<sup>37</sup> Von Rad, *Deuteronomy*, 190-1; McConville, *Deuteronomy*, 437; Tigay, *Deuteronomy*, 506.

<sup>38</sup> J. M. Wiebe, “The Form, Setting and Meaning of the Song of Moses,” *StudBT* 17 (1989): 121. Cf. Umberto Cassuto, *Biblical and Oriental Studies* (trans. Israel Abrahams; Jerusalem: Magnes, 1973), 1:45; George E. Mendenhall, “Samuel’s ‘Broken *Riḅ*’: Deuteronomy 32,” in *No Famine in the Land* (ed. James W. Flanagan and Anita Weisbrod Robinson; Missoula: Scholars, 1975), 70-1; Driver, *Deuteronomy*, 344-8.

<sup>39</sup> G. Ernest Wright, “The Lawsuit of God: A Form-Critical Study of Deuteronomy 32,” in *Israel’s Prophetic Heritage* (ed. Bernhard W. Anderson and Walter Harrelson; London: SCM, 1962), 26-67.

<sup>40</sup> Wright, “Lawsuit of God,” 42; Wiebe, “Song,” 127.

<sup>41</sup> Wright, “Lawsuit of God,” 52.

<sup>42</sup> “Various features of wisdom literature appear throughout the poem, such as its characterization as a ‘teaching’ (v.2), its attribution of sin to foolishness (vv.6, 28-29), its appeal to elders (v.7), and terminology characteristic of wisdom literature, such as *tahappukhot*, ‘treachery, turnabout’ (v.20)” (Tigay, *Deuteronomy*, 509).

<sup>43</sup> Tigay, *Deuteronomy*, 510.

particular historical occasion, which he believes to be the loss at Shiloh.<sup>44</sup> While I am less interested in his historical reconstruction, I agree with his position that “the social occasion of Deuteronomy 32 is, then, the very understandable gathering of the survivors to consider what was the cause of the calamity, and what should be the future policy.”<sup>45</sup>

In my analysis, I give considerable weight to the interpretive recommendations offered by its narrative frame. As Childs writes about the song,

It has long been evident that ch.32 has undergone a lengthy period of independent existence and only secondarily has been given its present context in relation to ch.31. Still little attention has been paid to its new role in this final form. From a canonical perspective this question is critical.<sup>46</sup>

Indeed as Brueggemann points out, the narrative introduction to the song “offers a peculiarly self-conscious piece of theological anticipation as a rationale for the Song that is to follow.”<sup>47</sup> It is exactly this peculiar, self-conscious, and theological rationale that I give a primary place for interpreting the song.

Based on this reasoning, I begin my exegesis with 31:16. Although 31:14-15 might be part of the same narrative, it is the divine speech that begins in v.16 that is of particular interest. I include the closing portion of the narrative frame (32:43-47), despite its function to conclude Moses’ entire oration. The interpretation of “all these words” in 32:45 is guided by the connection in 32:46 to commands, which are not part of the song, and the overarching term “this *torah*,” which seems to include Moses’ entire oration. Although Moses’ speech here refers to more than the song itself, it is relevant to my study because Moses re-emphasizes the importance of Israel’s obedience and the cost of disobedience. My focus on the song and its narrative frame thus extends from 31:16 to 32:47.

#### 4.2.2 PURPOSE

Tigay speaks for many commentators when he argues that the internal purpose of the song and that attributed to it by its narrative frame cannot be reconciled: “Since the poem not only attests to Israel’s guilt, as 31:19 says it will, but also predicts that God will rescue Israel and punish its enemies (vv.26-43), it could not have been composed to serve solely as a prediction and explanation of disaster, as 31:16-21 says.”<sup>48</sup>

In Tigay’s reading of the frame, he discerns the song’s purpose as explaining Israel’s disaster as the just punishment of YHWH. Most commentators who examine the

<sup>44</sup> Mendenhall, “Broken,” 71, 68.

<sup>45</sup> Mendenhall, “Broken,” 69.

<sup>46</sup> Brevard S. Childs, *Introduction to the Old Testament as Scripture* (London: SCM, 1979), 220.

<sup>47</sup> Brueggemann, *Deuteronomy*, 273.

<sup>48</sup> Tigay, *Deuteronomy*, 510.

narrative introduction focus on the term “witness,” specifically that after Israel forsakes YHWH, the song will “be a witness for me [YHWH] against the Israelites” (וענתה השירה) (תהיה לי... לעד בבני ישראל) (31:19). Again, when YHWH’s face is hidden and many troubles come upon Israel, “this song will confront them as a witness” (וענתה השירה) (הזאת לפני לעד, 31:21). Brueggemann’s comment on 31:19 is typical: “The primary purpose of the song, the text notes here, is to fix the blame for Israel’s coming suffering. That is, the song establishes Israel’s fault for the failed covenant with YHWH and thereby makes clear that YHWH is not at all at fault.”<sup>49</sup> The consensus interpretation on the purpose assigned to the song in its narrative introduction is that Israel is to blame and rightfully suffers at the hand of YHWH.

When commentators look at the song itself, a more expansive purpose is discerned.<sup>50</sup> Wright describes the song as teaching hope and faith in YHWH for deliverance.<sup>51</sup> Wiebe interprets it as teaching Israel how to bring about covenant renewal after a period of apostasy through lamentation and repentance.<sup>52</sup> Nelson similarly suggests, “The song aims to move its audience to a praise of Yahweh (v.3) made possible by accepting its theological case.”<sup>53</sup>

McConville perceives more clearly the function of the song as a witness: “the Song is a witness, first of all, to the deep and abiding love of Yahweh for his people.” Furthermore, “his love for them is matched only by the treachery of their rejection, and by his jealousy in response, the obverse of his love. This scenario is made to reveal the workings of Yahweh’s mind. Any who have wisdom may see it.”<sup>54</sup> It is difficult to see love as the primary theme of the song; however McConville correctly sees “witness” to encompass an understanding of the song as an authoritative, prophetic interpretation of history that disallows contradictory claims.<sup>55</sup>

<sup>49</sup> Brueggemann, *Deuteronomy*, 274. Cf. von Rad, *Deuteronomy*, 190; McConville, *Deuteronomy*, 437, 441; Tigay, *Deuteronomy*, 506; Miller, *Deuteronomy*, 225-6.

<sup>50</sup> Brueggemann is an exception. He aligns his interpretation of the song with its introduction by labeling both as theodicy (Brueggemann, *Deuteronomy*, 277). His summary of the song is a distortion: “The song is a review of Israel’s history that is shown to be a dreary story of endless rebellion and infidelity. Moses already recognizes Israel’s sorry tale in this anticipatory articulation” (Brueggemann, *Deuteronomy*, 277). The song does not review Israel’s history—it does not mention the patriarchs, the exodus, or Sinai. It does not describe “endless” disobedience by Israel but her desertion of YHWH in a single telescoped incident (32:15-18). I would further argue that the story is not “dreary” but one that is consistent with the admonition to “ascribe greatness to our God” (32:3).

<sup>51</sup> Wright, “Lawsuit of God,” 66.

<sup>52</sup> Wiebe, “Song,” 150-2.

<sup>53</sup> Nelson, *Deuteronomy*, 369.

<sup>54</sup> McConville, *Deuteronomy*, 461-2.

<sup>55</sup> By “prophetic” I mean that the song accesses the divine perspective. My summary of the song’s purpose agrees with Mendenhall’s: “It is a prophetic oracle essentially concerned with the interpretation of history past, and appealing for public opinion that would make the future more palatable” (Mendenhall, “Broken,” 72). Childs’ understanding is similar: “Moses is portrayed as offering a prophetic understanding of history in poetic dress which encompasses both past, present, and future” (Childs, *Introduction*, 220).

Against these views, in my reading, there is a considerable unity between the song and its introduction. Both contextually and internally, I argue in my exegesis below that the song indicts Israel for faithlessness, justifies YHWH's anger and jealousy, calls Israel to hope, repentance and covenant renewal, and reveals the divine mind. The song's story of YHWH's faithfulness and Israel's unfaithfulness is conceptually connected to the narrative introduction through many common themes—though with varying vocabulary as befits poetry—including forsaking,<sup>56</sup> inheritance,<sup>57</sup> other gods,<sup>58</sup> anger,<sup>59</sup> YHWH hiding his face,<sup>60</sup> YHWH consuming,<sup>61</sup> evils and distresses,<sup>62</sup> Israel's corruption,<sup>63</sup> and YHWH feeding Israel.<sup>64</sup> Within its canonical setting, the narrative speaks from the time before Israel enters the land while the song speaks from the time of Israel's lowest point under YHWH's punishing hand (cf. 32:39, ראו עתה, "See now!"). While significant portions of Deuteronomy have called Israel to remember her past (e.g., the rebellion and wilderness wanderings in 1:19-2:16; the golden calf in 9:7-10:11), the point-of-view has always looked forward to life in the land. The song is presented as a witness to be tucked safely away in Israel's memory until a future day, when in her suffering she recalls the song and reflects on her downfall.

#### 4.2.3 CONTEXT

The song's narrative is positioned following the dramatic covenant renewal of Deut.29-30 where Moses presents Israel with two possible futures: "I call heaven and earth to witness against you today that I have set before you life and death, blessings and curses. Choose life so that you and your descendants may live, loving the LORD your God, obeying him, and holding fast to him" (30:19-20). This electric exhortation is transposed into a sober—even grim—key when Moses ponders his imminent death: "I am now one hundred twenty years old. I am no longer able to get about" (31:2a). Moreover, Moses' life ends not in fullness but in the frustration of seeing but being prevented from touching the promised land (31:2b). The narrative after the song reprises

<sup>56</sup> עזב: 31:6, 8, 16, 17; 32:15 (נטש), 18 (שכח), 30 (כנר, *hiphil*).

<sup>57</sup> נחל: 31:7; 32:8, 9 (נחלה).

<sup>58</sup> 31:16 (אלהי נכרהארץ, "foreign gods of the land"), 18 (אלהים אחרים, "other gods"), 20 (אלהים אחרים, "other gods"); 32:12 (אל נכר, "foreign god"), 16 (זרים, "strange ones"), 17 (שרים, "demons"); (אלהים לא ידעום חדשים), "gods they had never known, new ones"), 21 (לא אל, "what is no god"), 37 (אלהימו), "their gods").

<sup>59</sup> 31:17 (חרה, אף), 29 (כעס, *hiphil*); 32:16 (כעס), 19 (כעס), 21 (כעס, *piel*).

<sup>60</sup> סתר, *hiphil*... פנה: 31:17, 18; 32:20.

<sup>61</sup> אכל: 31:17; 32:22.

<sup>62</sup> 31:17 (רעה, צרה), 18 (רעה), 21 (צרה, רעה), 29 (רעה); 32:23 (רעה).

<sup>63</sup> שחת: 31:29 (*hiphil*); 32:5 (*piel*).

<sup>64</sup> אכל (רבש, "honey"), חלב ("milk"): 31:20; 32:13-15.

the same dark disappointment when YHWH says to Moses, “You shall die there on the mountain...because...you broke faith with me.... Although you may view the land from a distance, you shall not enter it—the land that I am giving to the Israelites” (32:50-52). Moses’ exhortation offers life or death to Israel, but the blessed life seems almost beyond hope. One generation has already died without entering the land because of the Kadesh-barnea rebellion (1:19-2:16), having narrowly escaped destruction over the golden calf through Moses’ pleas (9:7-10:11). And now Moses himself nears death on the far side of the Jordan.

Can anyone enter the land? Yes, declares Moses, for “the LORD your God himself will cross over before you. He will destroy these nations before you, and you shall dispossess them. Joshua also will cross over before you, as the LORD promised” (31:3). There *is* hope. Joshua is affirmed as Moses’ successor and he is unconditionally assured of success: “It is the LORD who goes before you. He will be with you; he will not fail you or forsake you. Do not fear or be dismayed” (31:8). Yet the demanding conditionality is not far behind as Moses writes down “this law” and commands its regular, public reading (31:12-13). Israel’s proper relationship with YHWH is not automatic, but depends upon hearing the law, obeying it, and properly fearing YHWH. Moses’ speech ends with dramatic uncertainty: “as long as you live in the land” (31:13) for it is unclear whether the days in the land will be many or few.

#### 4.2.4 EXEGESIS

I look first at the narrative introduction to the song (31:16-30), then the song itself in five sections (32:1-43), and finally the closing narrative (32:44-47).

##### 4.2.4.1 Narrative Introduction (31:16-30)

When Moses and Joshua present themselves in the tent of meeting, YHWH discloses the sad fact of Israel’s future.

The LORD said to Moses, “Soon you will lie down with your ancestors. Then this<sup>65</sup> people will begin to prostitute themselves to the foreign gods in their midst, the gods of the land in which they are going; they will forsake me, breaking my covenant that I have made with them. My anger will be kindled against them in that day. I will forsake them and hide my face from them; they will become easy prey, and many terrible troubles will come upon them. In that day they will say, ‘Have not these troubles come upon us because our God is not in our midst?’ On that day I will surely hide my face on account of all the evil they have done by turning to other gods (אלהים אחרים). (31:16-18)

<sup>65</sup> The pronoun separates YHWH from disloyal Israel as in 9:12-13 (cf. §3.2.2.3).

As elsewhere in Deuteronomy, turning to “other gods” proves to be Israel’s downfall with its concomitant disloyalty to YHWH. There is no fork in the road in this account: Israel *will* abandon YHWH; YHWH *will* abandon Israel; and Israel *will* suffer.

With a pivotal ועתה, which indicates a major conclusion based on all that has come before, the text takes a strange turn. Israel’s sure disloyalty leads not to canceling the gift of the land, nor some innovation to prevent the terrible disaster, but rather to the writing of a song: “Now therefore write this song, and teach it to the Israelites; put it in their mouths, in order that this song may be a witness for me against the Israelites” (31:19). After the full outworking of Israel’s future disobedience, “this song will confront them as a witness, because it will not be lost from the mouths of their descendants” (31:21). Though Israel will forget YHWH and the covenant, they will remember the song. This song is an integral part of the relational dynamic between Israel and YHWH.

But what does it mean for this song to be a “witness” (עֵד)? As discussed above, most commentators interpret its function as proving Israel’s guilt. This interpretation of 31:19 is reflected in most English translations of למען תהיה לי השירה הזאת לעד בבני ישראל as “in order that this song may be a witness for me *against* the children of Israel” (emphasis added).<sup>66</sup> However, a more general understanding of “witness” is more illuminating.<sup>67</sup> The altar that Reuben, Gad and Manasseh build east of the Jordan (Josh.22:10-34) provides a good example. The other ten tribes assemble to make war against them when they see the altar for they think that the trans-Jordan tribes have already prostituted themselves to other gods. But they defend their altar’s purpose by explaining that they built it as a witness (עֵד) so that it would be impossible for future generations of the cis-Jordan tribes to claim that the trans-Jordan tribes have no portion in YHWH (Josh.22:26-28). It publicly set certain facts in stone, as it were. Likewise, the song becomes part of Israel’s public record. For those who might want to rewrite the history of Israel’s disobedience and YHWH’s response to it, the song holds steady in Israel’s collective memory as an authoritative prophetic interpreter. YHWH will move ahead with bringing Israel into the land, even with the foreknowledge of Israel’s future disloyalty, as long as the song is there when the failure occurs. And fail it must, “for I

<sup>66</sup> Thus, with slight variations, KJV, NIV, NASB, and NRSV. LXX has no sense of “against” but rather “among.”

<sup>67</sup> Although the construction עֵד בִּי usually means “witness against” (e.g., Deut.19:15 and Mal.3:5), as this verse is usually interpreted, both Josh.24:22 and 1Sam.12:5 use it in the sense I do here: witness before you to falsify any counterclaims. Note that my interpretation actually includes the other as a proper subset, for in a legal context a witness against the accused is one who counters any protestations of innocence. On the variety of meanings of the term, including testimony about property transfers, reminders of contract obligations, etc., cf. C. van Leeuwen, “עֵד, *‘ed*, witness,” *TLOT*, 2:838-46.

know what they are inclined to do even now, before I have brought them into the land that I promised them on oath” (31:21).

So Moses teaches the song to the leaders (31:28) and the whole assembly of Israel (31:30) because he knows that they will surely act corruptly (שחת, 31:29) after his death and suffer under the hand of YHWH. In that day, from Deuteronomy’s perspective, the song will interpret Israel’s history.

#### 4.2.4.2 Section 1 (32:1-6)

How does the song present Israel’s history? The first section (vv.1-6)<sup>68</sup> contains a prologue (vv.1-3), a summary of the integrity of the main characters (vv.4-5), and a questioning reprimand (v.6). In the prologue, all creation is rhetorically summoned to verify the testimony of the song (v.1) and the desired effect of the song on the hearers is expressed as education (לקח, v.2). As YHWH’s narrating prophet speaks, the words are meant to settle upon the land like nurturing rain, which can bring life to devastated Israel by instructing her about what has happened. Brueggemann notes, “Israel lacks the insight and categories through which to understand its true situation,” highlighting the song’s role as teacher.<sup>69</sup> The narrator then firmly establishes the protagonist, “I will proclaim the name of the LORD,” and commanding Israel’s proper response to him: “Ascribe greatness to our God!” (v.3).

Verses 4-5 polarize the main characters of the story: YHWH is the rock (הצור) whose work is perfect (תמים), ways are just (משפט), who is faithful (אמונה), lacking in injustice (עול), who is righteous (צדיק) and upright (ישר). Israel could hardly be more different:<sup>70</sup> corrupt (שחת), not sons of YHWH (לא בניו), i.e. not like their father), blemished (מום), twisted (עקש), and tortuous (פתלתל). These verses are unapologetic and unexplained theodicy: Israel’s predicament results from YHWH doing right and Israel doing wrong.

The section closes with a pair of questions (v.6): Has Israel responded rightly to YHWH? Does Israel bear family resemblance to YHWH by responding in kind to him?

#### 4.2.4.3 Section 2 (32:7-18)

These two questions are left hanging as the song continues into the second section (vv.7-18). The authoritative narrator now reveals and interprets the past, justifying the

<sup>68</sup> Commentators divide the song in various ways. I agree with the basic divisions of Wright and Wiebe, though I combine some of their stanzas and do not interpret the song according to the imposed form of the lawsuit genre (Christopher J. H. Wright, *Deuteronomy* [NIBC 4; Peabody, Mass.: Hendrickson, 1996], 298; Wiebe, “Song,” 128).

<sup>69</sup> Brueggemann, *Deuteronomy*, 278.

<sup>70</sup> On the complexity of arranging the terms of v.5 into a coherent thought, cf. Driver, *Deuteronomy*, 351-2; Nelson, *Deuteronomy*, 367a. Cf. the rendering in Nelson, *Deuteronomy*, 363, 367a.

general portrayals of YHWH and Israel in vv.4-5. It begins with YHWH's actions toward Israel (vv.7-14). In the days of the distant past (ימות עולם) the nations were divided amongst their gods<sup>71</sup> and Israel became YHWH's own personal portion (חלק) and inheritance (חבל נחלתו) (vv.8-9). There is a resonance with the allotment of gods in 4:19-20. Israel's downfall will be her prostitution to these strange and foreign gods.

Having established that Israel rightfully belongs to YHWH, how does YHWH treat her? Verses 10-14 tell the story of YHWH's extraordinary care for Israel. She passed through the howling wasteland under his protection,<sup>72</sup> protected as dearly as he does the pupil of his own eye.<sup>73</sup> From the horrible wasteland, YHWH brought Israel to the protected high places of the earth, and fed her richly and miraculously. The journey from the wilderness implies the continuing journey into the land. In this picture of abundant provision, a foreshadowing comment is included to prepare for Israel's infidelity: "the LORD alone guided him; no foreign god (אל נכר) was with him" (v.12).<sup>74</sup>

The second half of the section traces Israel's response (vv.15-18). Israel<sup>75</sup> grew grossly fat (וישמן...שמנת עבית) on the richness YHWH provided and then abandoned him (ויטש), and even regarded him a fool (גבל, *piel*). Israel provoked YHWH to jealousy and anger (קנא and בעס, *hiphil*) with strange [gods] and abominations. Verse 17 repeatedly and creatively emphasizes that Israel turned to strange gods: "they sacrificed to demons, not God, to deities they had never known, to new ones recently arrived, whom your ancestors had not feared" (זבחו לשרים לא אלה אלהים לא ידעום) (חדשים מקרב באו לא שערום אבתיכם). The fathers and elders can attest to YHWH's choice of Israel as his portion (v.7) but the gods to whom Israel turns have never been recognized.<sup>76</sup> Israel does not merely neglect YHWH, but displays flagrant ingratitude (cf. Deut.8:11, 14). Though Israel obviously violates the first commandment, the song makes no appeal to law but only to basic relational morality. Israel's rejection of

<sup>71</sup> I read the text according to LXX and 4QDeut, which is recommended by BHS. On the interpretations of the different texts and preference for LXX, cf. Nelson, *Deuteronomy*, 367c; Mayes, *Deuteronomy*, 384-5.

<sup>72</sup> LXX and Sam. read "sustained" (αὐταρκησεν, *יאמצהו*) while the MT reads "found" (ימצאהו). If the former, this probably alludes to Israel's safety during the years between Egypt and Canaan. If the latter, it is probably best understood as a metaphorical reference to Israel's vulnerability before YHWH's mighty work on her behalf (cf. Ezek.16:4-6; Hos.9:10). YHWH will soon exploit Israel's vulnerability apart from him by hiding his face from her (v.20). Von Rad hypothesizes about a "tradition of the finding" that was pushed aside by the patriarchal and exodus traditions (von Rad, *Deuteronomy*, 197).

<sup>73</sup> Whether אישון (LXX κορη) refers to the pupil of the eye as the most sensitive and valuable part of the (anthropomorphic) body, or the "apple of his eye" as his most desired object (as usually rendered). Israel is represented as YHWH's treasure.

<sup>74</sup> The comment is prominent both because of its contrasting content and the truncated rhythm of a single bicolon (each of vv.10-11, 13-14 contain double bicola).

<sup>75</sup> The honorific "Jeshurun" ("the upright," v.15) is ironic (Mayes, *Deuteronomy*, 386-7).

<sup>76</sup> Cf. §2.2.1 on the meaning of ידע.

YHWH deconstructs her own identity, for YHWH gave birth to her (אל מחללך, v.18). Israel forgets what makes her Israel.

#### 4.2.4.4 Section 3 (32:19-25)

The third section (vv.19-26) moves from Israel's misconduct to YHWH's response to her disloyalty. YHWH is angry (בעס, v.19) with the anger that Israel has caused him (vv.16, 21). The song portrays YHWH's expression of his anger in both passive and active terms. Passively, YHWH hides himself (אסתירה, v.20) from Israel to see what will happen to her without him. To hide is to withhold the favor that saved Israel from perishing in the wasteland long ago.<sup>77</sup> Actively, he will devour with fire (אכל, v.22), heap disasters upon her (אסגה עלימו רעות), finish her off with his arrows (חצי אכלה) (v.23), send famine (מזי רעב), consumption (לחמי רשף), pestilence (קטב מרירי), beasts and serpents against her (v.24). Finally, the sword will terrorize Israel (v.25) with universal extent: from street (מחוץ) to inner chambers (ומחררים), from young man (בחור) to young woman (בתולה), and from infant (יונק) to elderly man (איש שובה). The agency of the sword is left indeterminate, but YHWH is behind the killing. Like the curses of Deut.28, YHWH brings a dizzying array of evils against disloyal Israel, but the destruction of warfare is most prominent.<sup>78</sup>

The rationale for this destruction is given by the tight parallel of verse 21:

A	They made me jealous with what is no god,	הם קנאוני בלא־אל
B	provoked me with their idols.	כעסוני בהבליהם
A'	So I will make them jealous with what is no people,	ואני אקניאם בלא־עם
B'	with a foolish nation I will provoke them.	בגוי נבל אכעיסם

A and A' are exact parallels while B and B' are chiasmic parallels, providing closure for the verse and possibly for the divine-human struggle as well. Israel has vexed YHWH and YHWH will thus vex Israel. While the response is in kind, Israel provokes with non-existent gods, but YHWH provokes with a nation wielding very real swords.<sup>79</sup> That Israel is to be made jealous—presumably for YHWH as her one and only—suggests hope beyond the destruction.<sup>80</sup>

#### 4.2.4.5 Section 4 (32:26-42)

Verses 26-27 connect the third and fourth sections. YHWH turns his attention to the ones wielding swords against Israel. Though the section is full of vituperation against these people, the focus of the song is less on them than on YHWH himself. Though

<sup>77</sup> On the meaning of the idiom, cf. Samuel E. Balentine, *The Hidden God: The Hiding of the Face of God in the Old Testament* (OTM; Oxford: OUP, 1983).

<sup>78</sup> Cf. §6.1.3.6.

<sup>79</sup> Cf. McConville, *Deuteronomy*, 457.

<sup>80</sup> Nelson, *Deuteronomy*, 374.

YHWH was prepared to destroy Israel (v.26), he dares not because of the ensuing triumphalism of Israel's enemies. He is unwilling to have them say, "Our hand is triumphant; it was not the LORD who did all this" (יְדִינוּ רָמָה וְלֹא יְהוָה פָּעַל כָּל־זֹאת) (v.27).<sup>81</sup> YHWH's first response is to stay his evils just before Israel perishes. This is the temporal viewpoint of the song: Israel has been nearly destroyed and the nations are on the brink of declaring their triumph.

The speaker in vv.28-33 is unclear but the verses should be taken as an interlude by the authoritative narrator. The purpose of the interlude is to first indict the nations as equally bad as Israel. Israel is foolish (נָבֵל) and not wise (חָכָם) (v.6) and the enemies lack good counsels (עֲצוֹת), understanding (תְּבוּנָה), and wisdom (חָכָם) (vv.28-29). The nations' victory does not result from superiority over Israel. Only YHWH is right, true, and wise in this song. The enemies may have thought that their exceptional strength caused a thousand Israelites to flee at the sight of two adversaries, but if they had understanding, they would realize this was YHWH's doing (v.30).<sup>82</sup> The passive and active aspects of YHWH's destructive force against Israel come together here. The selling and giving up of Israel seems to echo YHWH's hiding of his face (a passive action), and yet this has put Israel into a super-vulnerable position that seems more like YHWH actively punishing them with unreasonable military loss. In other words, they not only lack supernatural protection but experience supernatural weakness that makes a thousand no match against two.

In v.31, the narrator identifies with Israel, speaking of YHWH as "our Rock." This identification sounds a note of hope for Israel because YHWH is affirmed as Israel's unique God: "their rock is not like our Rock" (לֹא כַצּוּרֵנוּ צוּרָם). For an instant, an Israelite voice is in harmony with the song's opening praises of YHWH's greatness (vv.3-4). The next two verses return to lambasting the enemies, likening them to Sodom and Gomorrah, foreshadowing their fate. Only YHWH shines in the song.

YHWH declares his vengeance (נָקָם)<sup>83</sup> and recompense (שָׁלֵם) against Israel's enemies (vv.34-35) and the narrator's voice indicates the resulting reversal of fortune for Israel (v.36). He will lay the enemies low and vindicate (דָּיַן) Israel. But in what sense can Israel be vindicated? The entire weight of the song rests upon destroying Israel, not absolving her. The verb דָּיַן refers to judgment generally, with "vindicate"

<sup>81</sup> Cf. YHWH's concern, expressed by Moses, about disparagement in 9:28 (cf. §3.2.2.5).

<sup>82</sup> The reversal of military fortunes features in 28:7, 25 (cf. §§6.1.2.3, 6.1.3.3).

<sup>83</sup> The term refers not to rogue vigilantism, but legitimate response to a threat. "The thought of illegitimate personal vindictiveness is entirely absent" (H.G.L. Peels, *The Vengeance of God: The Meaning of the Root NQM and the Function of the NQM-Taxis in the Context of Divine Revelation in the Old Testament* [OtSt 31; Leiden: Brill Academic, 1995], 139).



used for positive judgments.<sup>84</sup> Here it is in parallel with נָחַם (*hithpa'el*) which indicates a reversal of a previous course. The best understanding of YHWH's reversal here is not that his previous judgment of Israel was wrong, but the time has come to reverse the suffering he has caused Israel.<sup>85</sup> Indeed the common translation of נָחַם as "have compassion" (on his servants) is misleading because it implies that YHWH looks down upon battered Israel, forgets his role in her beating, and decides she needs tender care. The point of v.36 is that his perfect, just, faithful, and upright (cf. v.4) judgment now has the opposite effect on Israel, switching from tearing down to building up.<sup>86</sup> The trigger for the reversal (signaled by a temporal and causal כִּי) is explicitly given: "when he sees that their power is gone, neither bond nor free remaining" (אֲזַלְתָּ יָד וְאָפֶס עֲצוּר (וְעִזּוּב). With this merism ("neither bond nor free," cf. 1Kgs.14:10), the song expresses the desperation of Israel's condition. The destructive force of YHWH is cut short to avoid the triumphalism of the enemies at the point of Israel's utter defenselessness. Tigay comments, "When they have become totally powerless, so that they could not possibly attribute their salvation to themselves, He will intervene to save them."<sup>87</sup>

As Israel lies defeated, YHWH asks the universe a searching question about Israel: "Where are their gods, the rock in which they took refuge?" (אֵי אֱלֹהֵימוּ צוּר חֲסִיו (בְּ, v.37).<sup>88</sup> YHWH then addresses Israel directly and mocks their gods: "Let them rise up and help you, let them be your protection!" (v.38). As both the foreign gods and Israel keep silent, YHWH declares his own triumph in the culminating point<sup>89</sup> of the song:

See now that I, even I am he,  
There is no god besides me.  
I kill and I make alive;  
I wound and I heal;  
And no one can deliver from my hand. (v.39)

<sup>84</sup> Cf. Gen.15:14 as an example of negative judgment.

<sup>85</sup> Cf. the same verb and stem in Ezek.5:13, where YHWH's wrath is likewise spent.

<sup>86</sup> Note that the TNIV, in agreement with this reading, revises the earlier NIV from "the LORD will... have compassion on his servants" to "the LORD will...relent concerning his servants."

<sup>87</sup> Tigay, *Deuteronomy*, 312.

<sup>88</sup> Most commentators agree that vv.37-39 address Israel with no discussion of alternative views (Tigay, *Deuteronomy*, 312-3; von Rad, *Deuteronomy*, 199; McConville, *Deuteronomy*, 459). Brueggemann sees v.39 as addressing both Israel and the nations (Brueggemann, *Deuteronomy*, 281-2). In Peels' study of נָקַם ("vengeance"), he argues at some length that vv.37-39 address the enemies. His argument is ultimately unconvincing because it (1) disregards that Israel has been trusting in other "rocks"; (2) disregards that "the rock" is parallel to "their gods" where the only other gods referenced directly in the song are the strange gods that Israel has turned to; (3) disregards that the sacrifices of v.38 have their only antecedent in Israel's sacrifices to these gods (v.17), and indeed these faithless unions between Israel and strange gods are the central conflict of the song; and (4) shifts the high-point of the song (v.39) to YHWH's concern for recognition by the nations, which is nowhere else in view, except possibly in v.43 as discussed below (Peels, *Vengeance*, 139-40).

<sup>89</sup> So described by C. J. Labuschagne, *The Incomparability of Yahweh in the Old Testament* (POS 5; Leiden: Brill, 1966), 71.

Along with the imperative “see” (ראה), עתה is used again (cf. 31:19 above) to draw an inference. Israel is commanded to look at what has happened and to draw the correct conclusion. They have trusted in what is nothing; they have abandoned him who is everything. The pronoun “I” (אני) appears explicitly four times in the one verse, and the possessive “my” twice more. YHWH demands that all eyes, all allegiance come to him. He has complete power over human life. In the present context, the point is that YHWH has killed many of Israel, spared her survivors, and ruthlessly dispatched the enemies. He has dealt a nearly mortal wound to Israel (note that מהצרת, “I wound,” is the one perfect verb of the four) and he will now bring healing. As the unparalleled fifth line emphasizes, YHWH’s will is the only one that matters for Israel and the nations. The verb “deliver” (נצל) poignantly asserts that both rescue from YHWH’s destructive power and snatching away from his protective care are impossible. YHWH is unchallengeable.

As the divine speech continues, he is the one who executes justice (משפט), vengeance (נקם), and recompense (שלם). YHWH has wielded his sword (v.41) against both Israel and her enemies, so “my adversaries” and “those who hate me” could refer to either, though the verbal connections (נקם in vv.35, 43; שלם in v.35) seem to indicate that Israel’s enemies are more in view. But it is noteworthy that he does not say *Israel’s* enemies—the only thing that matters is who is for and against YHWH.

#### 4.2.4.6 Closing Verse (32:43)

Unfortunately, the final verse (v.43) is difficult on several levels. On a textual level, Qumran and LXX attest different longer versions with the primary difference from MT being the summons to rejoice with Israel going to the heavens and gods rather than the nations.<sup>90</sup> If the MT is preferred, it is difficult to understand why the bloody nations should suddenly rejoice without any note of enlightenment concerning YHWH or receiving any blessing from him. If it is the heavens and gods, as in Qumran and LXX, then there is some closure with the reference to the heavens in v.1 and a restoration of harmony between YHWH and the divine beings mentioned in v.8 (following Qumran and LXX against the MT in that verse). On a grammatical level, the final clause ( וכפר אדמתו עמו) confusingly juxtaposes two nouns with personal suffixes as if to put them (ungrammatically) into construct form. At a higher level, it is unclear what is meant by “cleansing” (כפר) his land. Whatever is meant precisely by this atonement, it points to reconciliation with YHWH.

<sup>90</sup> Cf. Tigay, *Deuteronomy*, 314, 516-8; Nelson, *Deuteronomy*, 379-80. For a consideration of the various texts and reconstructions, cf. Alexander Rofé, “The End of the Song of Moses (Deuteronomy 32:43),” in *Liebe und Gebot: Studien zum Deuteronomium* (ed. Reinhard G. Kratz and Hermann Spieckermann; FRLANT 190; Göttingen: Vandenhoeck & Ruprecht, 2000), 164-72.

#### 4.2.4.7 Closing Narrative (32:44-47)

The closing of the narrative frame has Moses dutifully teaching the song to the people (v.44; cf. 31:19). The scope then expands in v.46 to include Moses' entire series of speeches, beginning with reference to the witness to Israel (מעיד), referring to the song; cf. 30:19; 31:28), expanding to the commands Israel's children must obey (תצוים), and including the entire law (כל־דברי התורה הזאת), and including the entire law (כל־דברי התורה הזאת). With a brief final exhortation (v.47), Moses stresses the importance of obedience: it is not trivial (רק) but Israel's very life (חייכם). Israel's incipient life in the land lies in her response to YHWH's demand of exclusive loyalty and threat against disloyalty.

#### 4.2.5 SUMMARY AND COMPARISON WITH DEUTERONOMY 4

The song is a prophetic, interpretive reflection on Israel's low state, having been defeated by her enemies, with a view to a future restoration for the sake of YHWH's name. Viewed from its setting in Deuteronomy, this will happen in the future. From the point-of-view of the song, Israel's defeat has already happened. Its overall logic then flows through its stanzas in four steps. First, YHWH has acted rightly toward Israel throughout her history, her present defeat being no exception (vv.1-6). Israel is called to embrace the song's interpretation of her story and praise his name. Second, though YHWH is beneficent, Israel has abandoned and scorned him, provoking him to anger and jealousy (vv.7-18). Third, YHWH responds with talionic abandonment and heaped misfortune that comprises both natural disaster and military defeat (vv.19-25). Finally, there is a reversal at the last moment (vv.26-42). To counter the triumphalism of Israel's enemies, YHWH stays his hand against Israel and turns his wrath against her enemies. Israel learns through both the experience and the prophetic song that there is no god but YHWH.

The song of Deut.32 and the sermon of Deut.4 cover much of the same ground, though with notable differences.<sup>91</sup> Both present Israel's special election in contradistinction to the other nations. The kindness of YHWH to Israel is extravagant in both texts, though in different ways: the song refers to the wilderness experience (32:10-12) and rich sustenance, presumably in the land (32:13-14), while the sermon points to the exodus, Horeb, and conquest (4:1, 10-14, 20, 33-38). Both take Israel from emptiness to fullness.

Israel's provocative objects are idols in the sermon and strange gods in the song, but both passages join the ideas of idols and gods. In the sermon, Israel will be exiled

<sup>91</sup> Levenson, "Inserted," 207-21 presents a compositional argument for some of the similarities and differences.

and “serve other<sup>92</sup> gods made by human hands (ועבדתם-שם אלהים מעשה ידי אדם), objects of wood and stone” (4:28). In the song, YHWH complains. “They made me jealous with what is no god, provoked me with their idols” (הם קנאוני בלא-אל כעסוני) (בהבליהם, 32:21).<sup>93</sup>

In both texts, the relationship between Israel and YHWH is strongly asymmetrical. In the song, YHWH is faithful and just (32:4); Israel is degenerate and perverse (32:5). Israel is apportioned as YHWH’s possession (32:8-9). She is stranded in the desert; he sustains and guides (32:10-12). In the song’s portrayal, Israel asks for nothings and agrees to nothing. As in the sermon (cf. §4.1.3 above), where YHWH has loved, chosen, taken, brought out, and fought for Israel, YHWH is subject and Israel is object, even in kindness.

The song surprisingly does not refer to YHWH’s command against other gods, choosing instead to emphasize Israel’s disregard for YHWH’s divine care. The song assumes what is expected of Israel: fidelity to her benefactor. The sermon focuses explicitly on the Horeb commands, with idolatry highlighted. The common point in both is that YHWH expects Israel’s exclusive loyalty.

Israel’s disloyalty triggers YHWH’s jealousy in both passages. In the sermon, just before Israel is pictured making an idol, she is warned, “The LORD your God is a devouring fire, a jealous God” (4:24). In the song, the narrator describes YHWH’s response to Israel’s abandonment: “They made him jealous with strange gods, with abhorrent things they provoked him” (32:16). YHWH also testifies, “They made me jealous with what is no god, provoked me with their idols” (32:21).

The result of YHWH’s jealousy and Israel’s disloyalty is prominent in both passages: YHWH is provoked to anger (כעס; 4:25; 32:16, 21) that is like a consuming fire (4:24; 32:22). Both passages portray Israel’s destruction by YHWH, though in different terms. In the song, he heaps disasters (רעות) upon her (32:23) in the form of hunger, consumption, pestilence, beasts and sword (32:24-25), stopping just short of wiping her out (פאה, *hiphil*)<sup>94</sup> and nearly erasing any memory of her (32:26). In the sermon, Israel will soon utterly perish (אבר האבדון מהר) and be utterly destroyed (השמד תשמדון), with the emphasis twice on violent separation from the land (4:26). Israel is then portrayed as living among the nations, worshiping idols, and being distressed (4:30).

<sup>92</sup> “Other” is not in the Hebrew text.

<sup>93</sup> The term **הביל** is translated “idol,” though it usually means “vanity.” However, it is also used as a pejorative term for idols, e.g. 1 Kgs. 16:13, 26; Jer. 8:19 (where it parallels **פסל**); 18:8; 14:22; Ps. 31:7 (Eng. 6).

<sup>94</sup> A *hapex legomenon* as a verb. *HALOT* defines as “strike down, wipe out” (cf. LXX  $\delta\alpha\sigma\pi\epsilon\iota\omega$ , “scatter”).

Though YHWH brings Israel low in both passages, she does not remain there. In the sermon, restoration depends on both partners (4:30-31): Israel returns to YHWH and heeds him while YHWH receives her back in the constancy of his commitment to her. In the song, the story is complicated by a third actor: the nations who are the agents of YHWH's destruction of Israel. After her devastation, Israel largely disappears as an active participant in this story. The drama develops between YHWH and the nations while Israel implicitly realizes the error of her ways. The song does not connect Israel's restoration to her repentance. Despite this difference, both passages converge on the incomparability of YHWH. In the song, YHWH's triumphant moment is his proclamation: "See now that I, even I, am he; there is no god besides me" (ראו עתה כי ) (אני, 32:39). The sermon concludes with a similar message: "To you it [the power of the exodus] was shown so that you would acknowledge that the LORD is God; there is no other besides him (יהוה הוא האלהים אין עוד מלבחו) (4:35) and to deter her from straying: "So acknowledge today and take to heart that the LORD is God in heaven above and on the earth beneath; there is no other ( יהוה הוא האלהים ) (בשמים ממעל ועל-הארץ מתחת אין עוד) (4:39). It is YHWH's incomparability that is at stake.<sup>95</sup> He unyieldingly demands that Israel conform to her place as his loyal people.

### 4.3 FREEDOM AND COERCION IN THE ANCIENT AND MODERN WORLDS

Coercion is the imposition of one's will on another by threat or force, the severe limiting of the weaker party's options. In modern usage, the term usually carries negative overtones even though coercion is an important element in the maintenance of societies, both ancient and modern.<sup>96</sup> In this section, I first expand on YHWH's use of coercion with Israel. I then explore modern ideas of liberty. Finally, I consider the imposition of a certain mode of freedom on the world by the modern West, particularly in reference to the present American-led war on terror.

#### 4.3.1 YHWH'S COERCION OF ISRAEL

In both the sermon and the song, YHWH's threat of destruction is coordinated with his demand that Israel recognize him as her God and his anger at her turning to other gods or idols. It seems, then, that YHWH is willing to coerce Israel into maintaining her covenant relationship with him as his people.

<sup>95</sup> A landmark study of this idea is Labuschagne, *Incomparability*.

<sup>96</sup> Cf. §8.1.

Although my focus is the maintenance of the relationship between YHWH and Israel, I begin with its initiation. From the perspective of America's founding politics, Levenson offers an incisive analysis of Israel's consent to covenant with YHWH as portrayed in the Hebrew Bible.<sup>97</sup> He balances previous polarized expressions of this consent. On one side is the view that Israel freely accepted YHWH's governance under no duress, choosing her YHWH-centered religion as a matter of preference and negotiating on equal terms with YHWH. This view subordinates the biblical commandments to Israel's autonomous choice and accords well with classical liberalism and modern respect for human autonomy. On the other side, Levenson refers to Hegel's view that the exodus only transferred Israel from one miserable bondage to another and Kant's view that Jewish law represents a purely heteronomous ethic.

Levenson allows some measure of each of these. Autonomy is represented in the ANE treaty analogy, which coordinates a federated relationship between sovereigns. Autonomy is also present in the persuasive words of Israel's leaders to accept the covenant (e.g. Deut.30:19; Josh.24:15). However, these suggestions of autonomy are modified by the realization that the ancient federated relationships were certainly unequal, with the suzerain's overwhelming power fully in view to the vassal. Furthermore, the persuasive words of both Moses and Joshua are in the context of YHWH's threats of destruction for disloyalty (e.g. Deut.30:17-18; Josh.24:20). And while Israel may, in principle, have chosen not to enter into covenant with YHWH, Levenson points out that the choices are not equally good: "No one in the Hebrew Bible ever turns down an offer of covenant with God and lives to tell of it. The alternative to the life of obedience that Moses offers is death through disobedience"<sup>98</sup> Furthermore, as he notes, the choice by the Horeb generation to enter into covenant does not leave later generations free to reverse it. And refusal of the exodus would have left Israel to die at the hands of the pharaoh and his army. Even further in the past, the Abrahamic covenant, so strongly foundational for Deuteronomy, "was never offered and never negotiated but only announced."<sup>99</sup> I agree with Levenson that while it is improper to see Israel as slavishly acting out YHWH's commands, it is likewise discordant with the OT to view Israel as autonomous. Rather, she is "a unique nation collectively acting in accordance with [her] mandated sanctity."<sup>100</sup>

<sup>97</sup> Levenson, "Covenant." Cf. also Jon D. Levenson, "Exodus and Liberation," in *The Hebrew Bible, the Old Testament, and Historical Criticism: Jews and Christians in Biblical Studies* (Louisville: Westminster John Knox, 1993), 127-59; Levenson, *Creation*, ch.11.

<sup>98</sup> Levenson, "Liberation," 145.

<sup>99</sup> Levenson, "Covenant," 78.

<sup>100</sup> Levenson, "Covenant," 81.

Both the song and the sermon accord with Levenson's emphasis on Israel's restricted capacity to decline YHWH's service.<sup>101</sup> In both, Israel's allotment to YHWH is in the primordial past with no hint of negotiation or agreement. In both, without being asked, YHWH blesses Israel richly with rescue from circumstances of death and oppression and a view to secure and prosperous establishment in her land. As part of this YHWH-initiated relationship, Israel becomes obligated to him, either explicitly through commandment in the sermon or implicitly through personal obligation in the song.

Once Israel's relationship with YHWH is established—the situation of both the sermon and the song—coercion becomes more explicit. First, Israel's choice between G/gods is unequal, in that life under YHWH's care and demands is blessed and fruitful while turning to other gods means disaster guaranteed by YHWH. But further, choosing other gods and suffering destruction does not dissolve her relationship and obligation to YHWH. The destruction is not only a result of her choosing other gods, but the means by which her commitment to YHWH is retained. The possibility of Israel having a continuing existence apart from YHWH is not considered by either text. While Levenson's points are valid that Israel is elevated and majestic through covenant and that her autonomy is respected in Moses' persuasive speeches,<sup>102</sup> YHWH remains coercive of her relationship to him in the end. While Patrick Henry demanded one of two options, "Give me liberty or give me death," Israel seems unable to have either liberty in Henry's sense or death, for YHWH's overruling choice is to be Israel's God.

#### 4.3.2 MODERN IDEAS OF LIBERTY: POSITIVE AND NEGATIVE

Coercion is an unsettling word in the modern West, where individual autonomy is one of the most basic principles of the culture. In this section, I consider the modern philosophy of liberty.

Modern political philosophy has uncovered the difficulties that exist within the idea of "freedom,"<sup>103</sup> particularly within the context of the Cold War struggle between democracy and communism. Isaiah Berlin's seminal essay helpfully distinguishes between two opposed, yet related, ideas of freedom. "Negative liberty" defines "the area

<sup>101</sup> Levenson, "Covenant," 78. It is also noteworthy that the idea of a free gift is anthropologically naïve, since the refusal of a gift is an offense across many cultures. The landmark book on this idea is Marcel Mauss, *The Gift: The Form and Reason for Exchange in Archaic Societies* (London: Taylor & Francis, 2001). Cf. also Gary Stansell, "The Gift in Ancient Israel," *Semeia* 87 (1999): 65-90; Victor H. Matthews, "The Unwanted Gift: Implications of Obligatory Gift Giving in Ancient Israel," *Semeia* 87 (1999): 91-104.

<sup>102</sup> Levenson, "Covenant," 76-7.

<sup>103</sup> I use the terms "freedom" and "liberty" interchangeably.

within which the subject—a person or group of persons—is or should be left to do or be what he [sic] is able to do or be, without interference by other persons.”<sup>104</sup> Such a view closely aligns with the idea of human rights, aspects of life that are so fundamental to the essence of human existence that no legitimate ruling authority may restrict them. It admits that individual freedom is not the sole value of a society and that freedoms must sometimes be sacrificed for other ideals, such as health, food, order, justice, happiness, culture, security, and equality. However, within the doctrine of negative freedom, certain core freedoms cannot be violated on any account. It is a societal decision what the core freedoms are. Although negative freedom is often associated with democratic governments, it is not empirically justifiable either that democracy produces the broadest freedoms and resulting flourishing of human life, or that autocracy is incompatible with it. Berlin writes, “The evidence of history tends to show...that integrity, love of truth, and fiery individualism grow at least as often in severely disciplined communities among, for example, the puritan Calvinists of Scotland or New England, or under military discipline, as in more tolerant or indifferent societies.” “The answer to the question ‘Who governs me?’ is logically distinct from the question ‘How far does government interfere with me?’”<sup>105</sup>

“Positive freedom” comes from the desire to be one’s own master. Not satisfied with the guarantee of minimal negative freedoms, this doctrine says, “I wish to be subject, not an object; to be moved by reasons, by conscious purposes, which are my own, not by causes which affect me, as it were, from outside.”<sup>106</sup> Positive freedom desires life within a social framework that is compatible with living a truly human life. One seeking positive freedom is wary of social structures that quietly impose themselves on individuals’ lives. Positive freedom thus demands “collective control over the common life,” as Taylor helpfully summarizes it.<sup>107</sup>

Given the choice between the two, Berlin favors negative freedom because it is impossible for a humanity that disagrees fundamentally over the proper goals, opportunities, and actions of society to agree on the proper shape for society.<sup>108</sup> He reasons that because individual goals are irreconcilably incompatible, society must be pluralistic so that all people are free to choose their own ways to the best partial fulfillment they can achieve. He concludes, “Pluralism, with the measure of ‘negative’ liberty that it entails, seems to me a truer and more humane ideal” than the morally

<sup>104</sup> Isaiah Berlin, “Two Concepts of Liberty,” in *Four Essays on Liberty* (London: OUP, 1969), 121-2.

<sup>105</sup> Berlin, “Two,” 128.

<sup>106</sup> Berlin, “Two,” 23.

<sup>107</sup> Charles Taylor, “What’s Wrong with Negative Liberty,” in *The Idea of Freedom: Essays in Honor of Isaiah Berlin* (ed. Alan Ryan; Oxford: OUP, 1979), 175.

<sup>108</sup> Berlin, “Two,” 167.

powerful but ultimately harmful ideas of positive freedom.<sup>109</sup> It seems that for Berlin, positive liberty tends toward utopian dreams that result historically in dystopian nightmares.

However, Berlin appears to be overoptimistic in his assumption that people can agree sufficiently about what negative freedoms should be protected. He offers examples he assumes are uncontroversial, such as compulsory child education and the prohibition of public executions. But he notes that society must judge where freedom should be curbed. This societal decision will depend on “how we determine good and evil, that is to say, on our moral, religious, intellectual, economic, and aesthetic values; which are, in their turn, bound up with our conception of man [*sic*], and of the basic demands of his [*sic*] nature.”<sup>110</sup> What individual liberties are to be respected when people disagree deeply about the basic human values? Taylor challenges those, like Berlin, who flee from ideas of positive liberty because of their fear of totalitarianism. Taylor concedes that no external authority can possess a mechanism for guiding an individual to authentic self-realization (i.e. heteronomy).<sup>111</sup> However, this does not eliminate the problem that there is no such thing as pure negative liberty, because societal decisions must be made about what restrictions are more and less serious for human life. Some degree of positive liberty—a societal agreement on the comparative importance of various liberties and restrictions—is unavoidable.

The conclusion is that both positive and negative liberty depend on societal choices for the basic shape of human life. In other words, the idea of an objectively free society is unattainable and the real question is which freedoms are granted and which are coercively refused.

### 4.3.3 IMPOSING FREEDOM ON THE WORLD

I now turn to the interplay between freedom and coercion in the modern West. The epigraph to this chapter quotes President Bush’s preface to the 2002 National Security Strategy for the United States:

The great struggles of the twentieth century between liberty and totalitarianism ended with a decisive victory for the forces of freedom—and a single sustainable model for national success: freedom, democracy, and free enterprise.... These values of freedom are right and true for every person, in every society—and the duty of protecting these values against their enemies is the common calling of freedom-loving people across the globe and across the ages.<sup>112</sup>

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<sup>109</sup> Berlin, “Two,” 171.

<sup>110</sup> Berlin, “Two,” 169.

<sup>111</sup> Taylor, “Wrong,” 180.

<sup>112</sup> Bush, “Security.”

The language of freedom pervades this statement, but with an interesting twist. In the Cold War battle with communism to which he alludes, democracy, normally associated with negative freedom, is presented in starkly positive terms. He claims that all humanity has decided that human “success” flows from the social structures of “freedom, democracy, and free enterprise,” by which I understand him to mean liberal democracy and capitalism. Of course, “liberal democracy” contains a critical commitment to certain negative freedoms, often termed “human rights,” but the call to a universal “duty of protecting these values against their enemies” insists that the “enemies” who seek human flourishing in other quarters than liberal democracy and capitalism should not have the freedom to pursue their desires. Insofar as the “enemies” are sociopaths, though this is difficult to define, Bush’s call for social order is reasonable. However, if there exist alternatives for human society apart from the “single sustainable model” that Bush claims—and it would require a myopic view of history to condemn every other society as wrong and false—this appeal is a war-call for coercion of any who envision humanity and society differently.

There are other weighty thinkers behind the idea of coercing liberalism. John Stuart Mill, often understood as a champion of negative liberty, wrote:

Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually effecting that end. Liberty, as a principle, has no application to any state of things anterior to the time when mankind [*sic*] have become capable of being improved by free and equal discussion. Until then, there is nothing for them but implicit obedience to an Akbar or a Charlemagne, if they are so fortunate as to find one.<sup>113</sup>

Cynically, liberty is permitted only those who embrace the supremacy of liberty.

Jeanne Morefield documents the imperial imposition of liberalism advocated by two leading British liberals between the world wars, Gilbert Murray and Alfred Zimmern, which she describes as “a politics that both proclaims an ideological commitment to human equality and relegates sections of the population to the status of children.”<sup>114</sup> In a postscript to her study, she notes,

[Post-9/11] thinkers like Robert Cooper, Robert Kagen, Fareed Zakaria, and Michael Ignatieff sing the praises of an American (and to a lesser degree, British) imperium emboldened with the military might and moral rectitude necessary to transform the world into a well-ordered bastion of human rights, liberal democracy, and free market economics.<sup>115</sup>

<sup>113</sup> John Stuart Mill, *On Liberty* (ed. Edward Alexander; Peterborough, Ont.: Broadview, 1999), 52.

<sup>114</sup> Jeanne Morefield, *Covenants without Swords: Idealist Liberalism and the Spirit of Empire* (Princeton: Princeton University Press, 2004), 2.

<sup>115</sup> Morefield, *Covenants*, 223.

### 4.3.3.1 International Religious Freedom

To clarify the issues, I consider a relevant example: religious freedom. The freedom to believe and worship according to individual conscience is a central value of the modern West, ranking first in the American Bill of Rights. However, this freedom is linked to the modern idea of religion as a private affair with no threatening public effects. The sorts of religion that are protected by this freedom are the relatively trivialized forms discussed in §2.1.1 above. It has become clear in recent years—although far from a recent phenomenon—that societies in some portions of the globe envision religion as having important public and political implications. Some forms of Islam have no desire to separate religion from politics but see the two as inseparable, resulting in Islamic states that, while tolerating other religions to some degree, insist on restricting religious freedom and privileging Islam over other religions.<sup>116</sup>

The American commitment to religious freedom for all people gained public attention in the 2006 scandal over Abdul Rahman. Under the new American-supported government of Afghanistan, Rahman was sentenced to death for converting from Islam to Christianity. For the Western countries who recently paid with their citizens' blood to move this nation from rule by the Taliban to a modern democracy, this apparent retrograde step from freedom of religion was embarrassing. President Bush said that he was "deeply troubled" by the case and, "We expect [Afghanistan] to honor the universal principle of freedom."<sup>117</sup> Under international pressure, the Afghan government released Rahman to find asylum in Italy.<sup>118</sup> In the midst of the crisis, the clash of religio-political values between Islamic fundamentalism and modern liberalism was addressed by an Islamic legal scholar, "It's a fundamental tenet under Islam that conversion to another religion is a heinous act. It has a touch of treason...there's an aspect to it of betrayal against the communal identity."<sup>119</sup> Abdul Aziz, a professor of Islamic law, commented, "What he has done may damage Islamic society.... It is like doing a coup against the government."<sup>120</sup> Within a culture that does not separate religion and politics like the modern nation-state does,<sup>121</sup> the political threat of religious conversion is as transparent as it is opaque to the modern Western audience.

<sup>116</sup> Within Islam, Christianity is accepted as having *dhimmī* or "tolerated minority" status (Kenneth Cragg, *Call of the Minaret* [Oxford: Oneworld, 2000], 205).

<sup>117</sup> Gretchen Peters and Lara Setrakian, "Christian Convert Faces Execution," *ABC News* (22 Mar 2006), n.p. Cited 6 May 2007. Online: <http://abcnews.go.com/print?id=1746943>.

<sup>118</sup> BBC News, "Afghan Convert 'Arrives in Italy,'" (29 Mar 2006), n.p. Cited 7 Mar 2007. Online: [http://news.bbc.co.uk/1/hi/world/south\\_asia/4856748.stm](http://news.bbc.co.uk/1/hi/world/south_asia/4856748.stm).

<sup>119</sup> Peters and Setrakian, "Christian."

<sup>120</sup> Pamela Constable, "For Afghans, Allies, A Clash of Values," *Washington Post* (23 Mar 2006), n.p. Cited 8 Mar 2007. Online: [http://www.washingtonpost.com/wp-dyn/content/article/2006/03/22/AR2006032201113\\_pf.html](http://www.washingtonpost.com/wp-dyn/content/article/2006/03/22/AR2006032201113_pf.html), A01.

<sup>121</sup> Cf. §2.1.1.

Rahman's case, although extraordinary, is only one example from a broad spectrum of American and international commitment to universal religious freedom. The United Nations Universal Declaration of Human Rights obligates all member states: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his [*sic*] religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."<sup>122</sup>

The United States takes seriously its mission to bring religious freedom to the entire world. The "International Religious Freedom Act of 1998" declares,

The right to freedom of religion undergirds the very origin and existence of the United States.... Freedom of religious belief and practice is a universal human right and fundamental freedom articulated in numerous international instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Helsinki Accords, the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, the United Nations Charter, and the European Convention for the Protection of Human Rights and Fundamental Freedoms.<sup>123</sup>

From this national and international viewpoint, the act identifies a problem: "More than one-half of the world's population lives under regimes that severely restrict or prohibit the freedom of their citizens to study, believe, observe, and freely practice the religious faith of their choice."<sup>124</sup> The act goes on to specify a general policy "to condemn violations of religious freedom, and to promote, and to assist other governments in the promotion of, the fundamental right to freedom of religion."<sup>125</sup> In order to implement this policy, the act establishes the United States Commission on International Religious Freedom, which, among other things, has the duties of preparing a report on every nation's attitude towards religious freedom and recommending responses to abridgement of religious freedom, which can include diplomatic protests, canceling cultural and scientific exchanges and state visits, and terminating assistance funds. It is the policy of the United States to use its various powers of influence to ensure religious freedom is observed by every nation in the world. If conversion from Islam is seen as a societal threat, America insists that view change.

This example illustrates the interaction between Berlin's categories of positive and negative freedom and the impossibility, suggested by Taylor, of negative freedom

<sup>122</sup> United Nations General Assembly, "UDHR," Article 18.

<sup>123</sup> United States Congress, "International Religious Freedom Act of 1998," (27 Oct 1998), n.p. Cited 3 Jan 2007. Online: <http://usinfo.state.gov/usa/infousa/laws/majorlaw/intrel.htm>, 2a1-2.

<sup>124</sup> United States Congress, "IRFA," 2a4. Note that the pejorative term "regime" implies that these populations struggle for modern Western conceptions of freedom against totalitarian leaders who refuse it.

<sup>125</sup> United States Congress, "IRFA," 2b.

existing apart from positive. Humanity is social; unless society is to be reduced to all at war with all, life together requires some mutual understanding of what is basic to humanity and agreement to protect the essential freedoms that are entailed.

#### 4.3.3.2 *Wars of Liberation*

“Freedom” is an underspecified term, since its meaning depends upon the values behind it. No political structure regards itself as oppressive, but liberating. In his study of Assyrian justifications for war, Oded writes,

The great Assyrian king is an essential element of the cosmic order, since he battles evil forces in order to re-establish order and guarantee the welfare of the people on earth.... The Assyrian kings declare war on the enemy king and invade his territory, feigning to come to foreign countries as liberators.<sup>126</sup>

Although the Assyrian kings saw themselves as liberators, Oded notes, “The ‘liberated’ peoples condemned the Assyrian behaviour toward the nations as outrageous. They considered the control exercised by the Assyrians as malevolent, not benevolent.”<sup>127</sup>

I do not argue for the similarity of ancient Assyrian and modern American worldviews. However, the language of liberation is remarkably consistent. The 2003 invasion of Iraq was named “Operation Iraqi Freedom” and President Bush addressed the troops, “The peace of a troubled world and the hopes of an oppressed people now depend on you.... The people you liberate will witness the honorable and decent spirit of the American military.” He concludes with this summary, “My fellow citizens, the dangers to our country and the world will be overcome. We will pass through this time of peril and carry on the work of peace. We will defend our freedom. We will bring freedom to others and we will prevail.”<sup>128</sup> In a self-evaluation three years later, partial success was proclaimed because “Iraq has transitioned from tyranny and oppression to freedom and democracy” and capitalism was succeeding through the measures of a growing economy, increasing per capita income, movement towards World Trade Organization accession, and a functioning stock market, among other measures.<sup>129</sup> As the Assyrians measured freedom in their terms, the modern world uses its own definitions. But freedom sometimes necessitates coercive force.

In Deuteronomy, there is no quest for world empire, but YHWH has a specific vision for the liberation of Israel. The decalogue begins with a recollection of Israel’s liberation from slavery: “I am the LORD your God, who brought you out of the land of

<sup>126</sup> Oded, *War*, 103-4.

<sup>127</sup> Oded, *War*, 118.

<sup>128</sup> George W. Bush, “Operation Iraqi Freedom,” (19 Mar 2003), n.p. Cited 8 Mar 2007. Online: <http://www.whitehouse.gov/news/releases/2003/03/print/20030319-17.html>.

<sup>129</sup> George W. Bush, “Fact Sheet: Operation Iraqi Freedom: Three Years Later,” (18 Mar 2006), n.p. Cited 8 Mar 2007. Online: <http://www.whitehouse.gov/news/releases/2006/03/print/20060318-1.html>.

Egypt, out of the house of slavery” (Deut.5:6). But YHWH’s idea of freedom is not one of liberal democracy and capitalism, of self-determination and individualistic autonomy. Rather, YHWH transfers Israel from subjugation under the pharaoh, to subjugation under himself.<sup>130</sup> This is not a subjugation by brute power alone; YHWH along with successful human rulers understands that persuasion and instruction are the primary tools of authority. It would be incorrect to say that either the “liberated” Israel of Deuteronomy or the “liberated” Iraq of the Bush doctrine were bluntly coerced into the shape their “liberators” demanded.<sup>131</sup> However, neither Iraq nor Deuteronomy’s Israel is understood to have been presented with a viable alternative against such liberation. Furthermore, later generations of Israelites cannot opt out of their ancestors’ covenant with YHWH any more than Americans can reject the Constitution. In the American Civil War, the Confederate states discovered they would not be allowed to secede from the union. They believed they had retained the right to sovereignty, for such was not ceded by ratifying the national Constitution. The Union maintained that the states had not existed as sovereign entities before joining the union. Lincoln argued that the Union had created the states as states. The result was that a decision by a prior generation became eternally binding on their descendants.<sup>132</sup> There is a striking similarity with Israel’s inalienable commitment to YHWH as her creator. Societal details can change, but the sacred elements of society—to recall Durkheim’s term<sup>133</sup>—are non-negotiable.

#### 4.4 CONCLUSION

The study of Deut.4 and 32 reveals a theocentric purpose to YHWH’s threats of destruction for Israel’s disloyalty. He is determined that Israel will be his people and forbids, with the backing of coercive force, her worship of other gods. Coercion is too blunt a term to apply without qualification, for there are important elements of consent, negotiation, and persuasion in Israel’s relationship with YHWH. However, there is no question that YHWH’s will is determinate in the end, at least to the degree that Deuteronomy does not envision the possibility of Israel ultimately refusing to be YHWH’s people. Rather, Deuteronomy celebrates Israel’s gift of YHWH’s sovereignty as the best of any nation’s gods. “The movement of the Christian’s life, like that of the Jew’s, is not a movement from slavery to freedom as these terms are now generally

<sup>130</sup> Cf. Levenson, “Liberation,” on the misuse of the exodus story as a justification for biblically alien ideas of “liberation.”

<sup>131</sup> For an argument against pure heteronomy and slavishness in the case of Israel, cf. Levenson, “Covenant.”

<sup>132</sup> James G. Randall, *Constitutional Problems under Lincoln* (2nd ed.; Urbana: University of Illinois Press, 1964), 12-24.

<sup>133</sup> cf. §2.1.2.

understood in secular circles. Rather, it is a movement from one form of slavery to another, to a form of slavery that, paradoxically emancipates and liberates."<sup>134</sup>

The idea of coercion and the denial of self-determination, autonomy, and a considerable list of human rights is rejected by the modern West. However, reflection on the nature of liberty and the political route to its achievement in modern terms and times reveals a structure of considerable similarity to Deuteronomy's Israel. While important elements of consent, negotiation, and persuasion pervade the maintenance of the liberal democratic and capitalistic structures, there is an undeniable presence of coercive force that backs the demand that these sacred institutions be embraced by the world.

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<sup>134</sup> Levenson, "Liberation," 149.

*Can such a text [as Deut. 13] be regarded as relevant to the contemporary reader under any circumstances of interpretation, analogizing, or translation into current terms and concerns?*

—Jeffries M. Hamilton<sup>1</sup>

## Chapter 5

# Rebellion: The Individual and the Nation

### 5.1 INTRODUCTION

In the previous chapters, I have examined YHWH's response to Israel's disloyalty with an emphasis on national Israel's treatment as a collective individual. She is viewed as a unity who may be loyal or disloyal, obedient or disobedient, experiencing YHWH's gifts or anger. The range of dispositions expressed by individuals and subgroups within the nation has not been considered.<sup>2</sup> These texts focus on the destiny of the nation, not individuals within the nation.

In this chapter, I consider the legal passage of Deut. 13. Like the texts previously considered, the focus is on YHWH's demand that Israel be loyal to him alone and the consequences of turning to other gods. However, unlike the other passages, this one concerns disloyal individuals and cities within otherwise loyal Israel. In particular, Deut. 13 demands the harsh censure of individuals who incite Israelites to follow other gods (אלהים אחרים).

Within Deuteronomy's overall concern for loyalty to YHWH alone, Deut. 13 complements the other nation-as-individual passages. As long as the orthodox core of

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<sup>1</sup> Jeffries M. Hamilton, "How to Read an Abhorrent Text: Deuteronomy 13 and the Nature of Authority," *Horizons in Biblical Theology* 20 (1998): 12.

<sup>2</sup> One exception is the character of Moses, the law-giver, mediator, and preacher. He maintains a relationship with YHWH that is characterized as separate from that of Israel. Aaron is a much less important exception. Israel is also portrayed in a black-and-white fashion with no middle ground between loyalty and disloyalty, etc.

the nation dutifully suppresses any incitement to disloyalty, Israel as a nation is understood to be maintaining her commitment to YHWH. If, however, an individual within Israel turns from YHWH to other gods, advocates that others do the same (13:2-12<sup>3</sup>), successfully turns entire sub-populations within Israel away from YHWH (13:13-19), and collective Israel is unable or unwilling to control the apostasy, the nation as a whole risks YHWH's anger. Such a situation does not require that every individual without exception within Israel turn from YHWH in order for the nation itself to be judged guilty. The anger of YHWH described in such passages as Deut.4, 9-10, 28,<sup>4</sup> 32 is provoked by a nation that is no longer describable as being responsive to him. The laws of Deut.13 function to halt any movement toward national disloyalty by focusing on disloyalty by individuals and cities within Israel.

Beyond its function within the book, Deut.13 is also significant because it is a lightning rod for modern condemnation of OT ethics. When viewed through the cultural values of modern liberal democracy, punishing deviation from a culture's religious majority at all, much less with death, seems impossible to comprehend. Jeffries Hamilton, who desires to transfer something across the cultural distance between the ancient and modern worlds, characterizes this text as "not only different, foreign, irrelevant, obsolete, esoteric, etc., but abhorrent in the bargain."<sup>5</sup> He asks, "How may a text with an inescapable view of what God demands of the worshiper, namely the destruction of those who would tempt the worshiper to adopt a different loyalty, have any meaning in a situation in which that view is widely regarded as abhorrent?"<sup>6</sup> He goes one step further by claiming that this text "cannot be reconciled with liberal western notions of right and wrong either in its subject [i.e. loyalty to YHWH] or in the way it calls upon its audience to act with reference to that subject [i.e. capital punishment for the disloyal]."<sup>7</sup> His solution in the end is to find something within the text that can still be valued, namely a desire for a "deuteronomic society," seen as one that "shares the vision of a life under God that is characteristic of Deuteronomy." But he simultaneously and consciously downplays the objectionable interventions described by the text for maintaining that society (i.e. harsh punishment for deviation).<sup>8</sup> Such a selective approach to understanding what "life under God" entails betrays a hermeneutical framework that accepts what the reader finds acceptable and rejects what

<sup>3</sup> Throughout this chapter, I refer to the verse numbering of the Hebrew text for Deut.13; English versions use verse numbers of one less.

<sup>4</sup> Discussed in ch.6 below.

<sup>5</sup> Hamilton, "Abhorrent," 12.

<sup>6</sup> Hamilton, "Abhorrent," 15.

<sup>7</sup> Hamilton, "Abhorrent," 12.

<sup>8</sup> Hamilton, "Abhorrent," 23-4.

is found unacceptable. Such a selective reading cannot properly respond—as seems to be Hamilton’s own goal—to the “parenthesis, exhortation, pleading, [which] occupies so much of the text”<sup>9</sup> if those parts of the text’s exhortation that are in conflict with the reader’s presuppositions are quieted and thereby resisted.<sup>10</sup>

Modern readers who are willing to face into the demands of the text cannot help but experience some degree of dismay. Brueggemann allows this personal reflection: “The harshness of the teaching is unrelieved, and for this reader is nearly unbearable.”<sup>11</sup> He characterizes the attitude in the text as “a vigilante mentality of deeply anxious exclusivism.”<sup>12</sup> Indeed, the anxiety Brueggemann senses in the rhetorical pressure of this passage seems to indicate a historical situation where temptation to disloyalty to YHWH is perceived to be very real and very dangerous.

As in the previous chapters, I propose a modern reading strategy based on a political analogy that juxtaposes Deuteronomy’s demand for loyalty to YHWH and the modern state’s demand for the loyalty of its citizenry and, indeed, for the loyalty of the entire world to liberal democracy and capitalism. The importance of political loyalty within the modern West is more understandable than what is usually meant by loyalty to a “religion.” By interpreting YHWH’s requirements within only the first half of the modern dichotomy between religion and politics,<sup>13</sup> the laws of Deut. 13 are understandably seen as abhorrent. However, when the ancient situation is understood within the context of modern politics, considerable consistency with modern life becomes apparent.<sup>14</sup> While complete sympathy with the vision of Deut. 13 may not be possible or desirable, considerable strides can be made toward helping modern readers understand that vision.

In this chapter, I first consider the text of Deut. 13. I then examine Deuteronomy’s portrayal of the dialectic of divine anger against individual Israelites and the nation of Israel. Finally, I discuss the relationship of these themes to modern responses to threats at the individual and national level.

<sup>9</sup> Hamilton, “Abhorrent,” 23.

<sup>10</sup> His argument that the punishments required by Deut. 13 were never actually enacted within Israel may be valid. If such a historical reconstruction is correct, it would be true to say that “the text recognizes that it is not addressing an audience which can act on its exhortations without transcribing them into a different situation” (Hamilton, “Abhorrent,” 23). However, eliminating the strict and bloody enforcement of loyalty to YHWH as a necessary or desirable aspect of “life under God” in a “deuteronomistic society” would require further justification.

<sup>11</sup> Brueggemann, *Deuteronomy*, 152.

<sup>12</sup> Brueggemann, *Deuteronomy*, 155.

<sup>13</sup> Cf. §2.1.1.

<sup>14</sup> Interestingly, a number of commentators use treason, both ancient and modern, as an analogy for the laws in Deut. 13, which will be noted.

## 5.2 DEUTERONOMY 13: INCITEMENT TO IDOLATRY

### 5.2.1 CONTEXT, STRUCTURE, UNITY, AND BOUNDS

This chapter lies within the detailed commands of YHWH running from Deut. 12 to 26:15, within the second of Moses' three great speeches of Deuteronomy (4:44-28:68). The commands begin in Deut. 12 with concern for Israel's unified commitment to YHWH. After an introductory statement (12:1), the passage begins with the negative command to destroy (אָבַד) the Canaanite places of worship (12:2) and break, smash, burn, and cut down the objects of their worship (12:3; cf. 7:5). The result is that the names of the other gods will be removed (אָבַד, lit. "destroyed") from these places of worship. The positive command is that Israel will "seek the place that the LORD your God will choose out of all of your tribes as his habitation to put his name there" (12:5). With the other gods' names removed from the land, YHWH will place his name there, with special reference to the one chosen place (12:5-6). The chapter continues with rules concerning sacrifices and the slaughtering of meat for food, which maintains a balance between Israel's local and national life. The chapter closes (12:29-31) by returning to its central point: Israel is not to follow any other god but YHWH. Even after the Canaanites are destroyed and their cultic places and objects obliterated, Israel must be warned not to be ensnared by the other gods and not to seek after them (12:30).

Deuteronomy's concern for Israel's undivided loyalty to YHWH (cf. §2.3.1) is highlighted here by the detailed law beginning with the problem of maintaining unified worship across the land. While Deut. 12 is concerned preparing an environment conducive to loyalty, Deut. 13—the focus of the present chapter—deals with those who would undermine that loyalty.<sup>15</sup>

A later law focuses on the relatively straightforward case of an Israelite worshipping another god (17:2-7). Rather than idolatry itself, Deut. 13 deals with the more complex problem of incitement to idolatry—a unique law in the OT, where incitement is not otherwise prosecutable.<sup>16</sup> While it would seem logical to arrange these cases together, traditional interpretation understands 17:2-7 to be more focused on

<sup>15</sup> Dion argues that important themes of Deut. 12 are picked up again by Deut. 14-16, while Deut. 13 is "an entirely self-contained unit." In particular, Deut. 13 is uninterested in *centralized* worship, focusing instead on the worship of YHWH alone, while the location of worship is prominent in Deut. 12; 14-16. He concludes that redactional effort has been expended to connect Deut. 13 to its context, but it "remains an isolated composition" (Dion, "Suppression," 156-9). Regardless of one's reconstruction of the compositional history behind the text, Deut. 13 in its final form focuses upon the primary demand of exclusive loyalty to YHWH, as does its context. However, the point is valid that Deut. 13 contrasts somewhat with Deut. 12; 14-16 in terms of style and content. The canonical juxtaposition is suggestive of the significance of the place of worship being on par with the first commandment's stipulation of the object of worship.

<sup>16</sup> Dion, "Suppression," 147.

judicial procedure for a capital case than the problem of idolatry itself, explaining its placement among other issues of procedure.<sup>17</sup>

Structurally, Deut. 13 consists of three cases, each beginning with a protasis marked by כִּי and an imperfect verb (vv. 2, 7, 13). Each case concerns an attempt or success at turning a portion of Israel away from loyalty to YHWH. The cases are unified by a similar offense: someone suggests, “Let us follow other gods...and let us serve them” (נִלְכָּה אַחֲרֵי אֱלֹהִים אֲחֵרִים...וְנַעֲבֹדֵם, v. 3; cf. vv. 7, 14, with some variations). Each time, Moses (who narrates these cases) interrupts with a comment about these “other gods”: “whom you have not known” (אֲשֶׁר לֹא־יָדַעְתֶּם, v. 3; cf. vv. 7, 14, with a variation in v. 7). The accusations are also held together by the common verb נָדַח (“to thrust, impel,” vv. 6, 11, 14), which refers in different ways to the offender’s intent to drive Israelites away from YHWH. This verb captures “the essence of the crime: separating Israel from its God.”<sup>18</sup> In each case, the audience is instructed in varying ways to dissociate from the offenders (vv. 4-5, 9a, 18a). Finally, in each case the offender is sentenced to death. Although not identical in structure, each case contains not only a protasis and apodosis, but also an explanation of the severity of the crime.

Concerning the bounds of the text, though Deut. 12 is similarly concerned with undiluted loyalty to YHWH, its generically apodictic character is distinct from the casuistic law of Deut. 13. The first verse of Deut. 13 is a general statement about the necessity of Israel carefully obeying Moses’ law. While this demand is appropriate as an introduction to the severe cases contained in the rest of the chapter, with their harsh and costly penalties, for the purposes of this chapter I focus on the three cases themselves. After the three cases, Deut. 14 returns to apodictic law, with a focus on Israel’s holiness, primarily reflected by dietary restrictions. Thus, I consider 13:2-19 to be the extent of the passage under consideration.

### 5.2.2 EXEGESIS

The three hypothetical cases concerning incitement to disloyalty seem to have been chosen to challenge the strongest competing loyalties of its audience. Loyalty to YHWH must transcend loyalty to apparently divine authority, one’s most intimate human relationships, and solidarity with one’s fellow citizens. Having these as subordinate loyalties is not problematic, only privileging anything above YHWH. Von Rad notes,

<sup>17</sup> Tigay, *Deuteronomy*, 129; Dion, “Suppression,” 159-60.

<sup>18</sup> Dion, “Suppression,” 166.

“Faith in the fact that Israel belongs to Yahweh is set above all else; not even a sign coming from the divine world is able to shake this assurance.”<sup>19</sup>

### 5.2.2.1 The Case of the Treasonous Prophet (vv. 2-6)

The first case considers a mantic figure, described as a prophet or a dreamer of dreams (נביא או חלם חלום).<sup>20</sup> These figures represent the two principle means by which YHWH might bring new verbal revelation to Israel (cf. 1 Sam. 28:6).<sup>21</sup> This law concerns such a figure (hereafter referred to as “prophet,” for simplicity) arising in the midst of Israel (יקום בקרבך), i.e. one of YHWH’s own covenant community counseling rebellion against him. These laws are unconcerned with outside influences. This figure gains credibility by speaking of a sign or wonder (אֹת או מִוִּפֶת) that subsequently comes true (v.3). But along with the miraculous deed,<sup>22</sup> the figure counsels rebellion against YHWH: “Let us follow other gods’ (whom you have not known) ‘and let us serve them’” (נִלְכָּה אַחֲרֵי אֱלֹהִים אֲחֵרִים אֲשֶׁר לֹא־יָדַעְתֶּם וְנַעֲבָדֵם). Some interpret “whom you have not known” to be a narrator insertion and not part of the inciter’s direct speech.<sup>23</sup> However, it is probably better to consider the entire exhortation to be a negative gloss by Moses on what the prophet would say.<sup>24</sup> For example, it is unlikely that such a speaker would refer generically to “other gods” rather than to some specific god or gods. The wording of the suggestion contains language for what is forbidden elsewhere in Deuteronomy.<sup>25</sup> Dion writes, “The lawgiver himself is passing judgment on the proselytizer’s propaganda while pretending to sum it up.”<sup>26</sup>

Using signs to substantiate a prophet’s claim to the divine word is part of Moses’ own story and is not illegitimate as such. At his call, he raised the problem of Israel not believing that YHWH had spoken to him: “But suppose they do not believe me or listen to me, but say, ‘The LORD did not appear to you’” (Exod. 4:1). YHWH then gave Moses signs (אֹת; Exod. 4:8, 9, 17, 28) to perform as proofs of having met with YHWH.<sup>27</sup>

<sup>19</sup> Von Rad, *Deuteronomy*, 97.

<sup>20</sup> NRSV chooses to render the offender in the plural: “prophets or those who divine by dreams,” probably to avoid gender-specific pronouns.

<sup>21</sup> Tigay, *Deuteronomy*, 129. The urim could be used to solicit yes/no guidance from YHWH, but could not provide innovative messages.

<sup>22</sup> Commentators frequently note an awkwardness in the text and re-order the events to be an exhortation to worship other gods followed by a sign, rather than gaining a platform for speech by performing a sign (E.g. McConville, *Deuteronomy*, 233; Tigay, *Deuteronomy*, 129). Mayes suggests the awkwardness signals a later addition (Mayes, *Deuteronomy*, 232). Regardless of the intended order, the text joins the promise and fulfillment to the persuasive speech.

<sup>23</sup> E.g. McConville, *Deuteronomy*, 233-4.

<sup>24</sup> So also Tigay, *Deuteronomy*, 130, who refers to 29:18 (Eng. 19) for a similar pejorative paraphrase by Moses.

<sup>25</sup> E.g. “Do not follow other gods” (לֹא תִלְכֹּן אַחֲרֵי אֱלֹהִים אֲחֵרִים; 6:14; cf. 5:7; 8:19; 11:28).

<sup>26</sup> Dion, “Suppression,” 163.

<sup>27</sup> Tigay notes that signs are used by prophets who meet resistance to their messages. “A prophecy calling for the worship of another god would, or should, meet such resistance, since it contradicts God’s

When Moses and Aaron presented YHWH's words and signs to the people, they believed them to be true prophets of YHWH (Exod.4:30-31). Such proofs of true prophecy are de-centered here. Prophecy remains part of Israel's life, but its content is bounded by exclusive loyalty to YHWH—nothing can contravene the first commandment. However, the persuasive power of wonder-working and its place in Israel's story necessitates this law. Regardless of incredible displays of mantic authority, a disloyal word must be shunned.<sup>28</sup>

What exactly is the prophet encouraging? The language reflects both Deuteronomy and ANE political treaties.<sup>29</sup> To “follow” (הלך אחרי) can refer to a vassal serving his sovereign, which was seen as an exclusive relationship of undivided allegiance. These “other gods” are characterized as ones “you have not known” (לא־יִדְעַתֶּם). Within a political context, to “know” (יָדַע) an authority is to acknowledge its legitimacy. Thus, serving an “unknown” god means treating such an illegitimate one as legitimate—with the implied consequence that YHWH, the legitimate, “known” one, would no longer be so recognized. Following “unknown” gods implies a shift in loyalty. Finally, the prophet calls upon the audience to “serve” (עָבַד) these gods. Although clearly a term of religious worship, its political sense should not be overlooked: the vassal serves the sovereign. To show loyalty to other gods by serving them necessitates disloyalty to YHWH.<sup>30</sup>

After describing the offense, Moses then commands the prophet's audience: “You must not heed” (שָׁמַע; lit. “listen to”; v.4). This warning differentiates this law from simple retrospective prosecution of an offense. Moses' first concern is not that the offender be punished, but that the prophet's audience not be swayed. Beyond judicial guidelines, this law forewarns Moses' audience to reject such a prophetic word.<sup>31</sup>

In the second half of v.4, Moses draws back the curtain of heaven to reveal YHWH's perspective on this disloyal prophet's attempted seduction of Israel. The false prophet is no mere aberration in YHWH's world, acting in opposition to him. The entire scenario is one of YHWH testing (נִסָּה) Israel. But what is being tested and why?<sup>32</sup>

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teachings; but if the prophet produced a sign which seemingly could not occur without God's help, the people might feel compelled to believe him” (Tigay, *Deuteronomy*, 130).

<sup>28</sup> False prophecy is an important problem, as not all who claim to be prophets, or are accepted as prophets, truly speak for YHWH. Cf. R.W.L. Moberly, *Prophecy and Discernment* (CSCD 14; Cambridge: CUP, 2006).

<sup>29</sup> On these treaty terms, cf. §2.2.1.

<sup>30</sup> Cf. 8:19 where following after (הלך אחרי), serving (עָבַד), and worshiping (חָוָה) other gods is marked as forgetting (שָׁכַח) YHWH. Similarly, serving (עָבַד) other gods is characterized as turning away (סָוֵר) from YHWH (7:4; 11:16).

<sup>31</sup> Note that not all prophets and dreamers are to be rejected here, but just those who suggest such things (הַנְּבִיאֵי הַהוּא אֲנִי...הַחֲלוֹם הַהוּא).

<sup>32</sup> Tigay comments that Moses' explanation of YHWH's testing only serves to refute the false prophet's claim that the sign verifies the prophetic word by arguing that YHWH has allowed the sign to come true (Tigay, *Deuteronomy*, 130). Likewise Craigie writes, “The performance of a sign or wonder

YHWH's test is to know (יָדַע) something about Israel's fidelity. Moberly helpfully navigates the theological errors that surround this pairing of testing and knowing.<sup>33</sup> On the human side, this is no "mere" test that is some distance removed from the real world, but the result of the test has serious implications. On the divine side, YHWH's seeking knowledge is neither a disparaging commentary on his omniscience nor a poor metaphor for one who surely knows the outcome of the test. Rather, Israel knowing YHWH and YHWH knowing Israel reflects a dynamic relationship where choices and actions on both sides build or tear down, deepen or trivialize the formative communion between the two. If the political sense of יָדַע continues to be present here, YHWH's test concerns the maintenance of Israel's previously established relationship of loyalty to YHWH. To "know" is to establish and externally formalize a relationship. What is it that YHWH is seeking to establish with this test? "To know whether you indeed love<sup>34</sup> the LORD your God with all your heart and soul" ( לָדַעַת הַיְשׁוּכֶם אֱהָבִים אֶת־יְהוָה ) ( אֱלֹהֵיכֶם בְּכֹל־לִבְבְּכֶם וּבְכֹל־נַפְשְׁכֶם ). The question is whether Israel can (continue to) be characterized as lovers of YHWH, where אֱהָב is a covenantal term of loyalty, service, and obedience. The question is not whether Israel feels an inward attachment to YHWH and not the other gods offered by the prophet, but whether Israel will display undiluted loyalty to YHWH.

As von Rad notes, Deuteronomy has a "pressing, sometimes even imploring, way of speaking, and [endeavours] to grip the hearers personally in order to bind the divine commands on their conscience."<sup>35</sup> Here in this hypothetical moment where Israel hangs between the words of Moses and the words and deeds of a seductive wonder-worker, between loyalty and apostasy, is an opportunity for exhortation. Verse 5 contains six imperatives (in imperfect form) for how Israel is to relate to YHWH. The verse displays a chiasmic structure with YHWH appearing as the object of a preposition in the outer pair, the direct object in the middle pair, and as a pronominal possessive suffix in the inner pair.<sup>36</sup> All of the verbs are ANE diplomatic terms for fidelity to the king: הֲלַךְ אַחֲרַי ("follow"), יִרָא ("fear"), שָׁמַר ("keep"), שָׁמַע בְּקוֹל ("obey"), עָבַד ("serve"), and רָבַק בְּ־ ("hold fast").<sup>37</sup> The point is hammered home: Israel must not be

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did not mean that the gods advocated by a false prophet or dreamer had any real power, but only that the true God would permit certain things to happen in order to test and thereby strengthen his people" (Craigie, *Deuteronomy*, 223).

<sup>33</sup> Moberly, *Bible*, 97-107.

<sup>34</sup> In Moberly's text (Gen.22), YHWH seeks to know whether Abraham fears (יִרָא, Gen.22:12) him while love (אֱהָב) is the concern of the test in the present passage. Though opposites in their English glosses, both are terms of exclusive allegiance within the ANE treaty context (cf. §2.2.1). יִרָא is introduced in the succeeding verse of the present passage.

<sup>35</sup> Von Rad, *Deuteronomy*, 23.

<sup>36</sup> Dion, "Suppression," 151-3. He notes that the texts of 11QTemple and LXX are each missing a different one of the imperatives and concludes that each lost one of the clauses through scribal error.

<sup>37</sup> Cf. §2.2.1.

swayed in her loyalty to YHWH. Mayes points out that “this is the only place in the law corpus where the phrase ‘walk after’ is used with Yahweh as object; otherwise it is ‘other gods.’ It is the contrast between Yahweh and other gods which demanded the use of the phrase of Yahweh here.”<sup>38</sup> In all six clauses, the normal Hebrew word order is inverted so that YHWH is placed in the emphatic position. It is the statement of YHWH’s name and the rhythmic repetition of “him” that pushes the audience to embrace YHWH alone with wholehearted loyalty. Nothing is to dissuade Israel from continuing to honor her commitment to him.

Though the sermonic thrust of vv.4-5 wanders from the law’s casuistic center, casuistry returns with the apodosis in v.6. Interestingly, the required capital punishment is presented with an impersonal passive verb—a single word: **והנביא ההוא או חלם** (“But that prophet or that dreamer of dreams shall be put to death”<sup>39</sup>). The mode and agent of the execution are elided. The vagueness could even be read as YHWH doing it himself, but within the legal context, the implication is that Israel’s judiciary will proceed with prosecution and imposition of the sentence as with other capital crimes.

Rather than focus on the death of the seducer, Moses again preaches by emphasizing the reasons for this drastic punishment (v.6). The prophet has done two things. First, he has “spoken treason against YHWH” (**דבר-סרה על-יהוה**). The thing spoken, **סרה**, is of debatable etymology. If it derives from the verb **סור**, the prophet is condemned for telling Israel to turn, i.e. “treason” (so NRSV) or “rebellion” (so NASB, NIV) against YHWH, which would fit the context of Deut.13. However, if from the verb **סרר**, the sense would be more of stubbornness, though such a condition can also lead to insubordination. Dion prefers Akkadian examples based on this second root (*sartum, surrātum*) that are best understood as a “(malicious) lie.”<sup>40</sup> This reading is supported within Deuteronomy by its one other use in 19:16. In the rephrasing of 19:18, **סרה** is likened to **שקר** (“deception”).<sup>41</sup> Better understanding of the term follows from its use in the contextually rich parallels of Jer.28:16 and 29:32, which each use the same entire phrase (**סרה דבר על-יהוה** and **סרה דברת אל-יהוה**, respectively, though note the use of **אל** instead of **על** in the former) as Deut.13:6. Both of the Jeremiah occurrences concern a false prophet who claims to speak for YHWH. The false prophet seeks to lead the people in a direction contrary to YHWH’s wishes. In the first case,

<sup>38</sup> Mayes, *Deuteronomy*, 233.

<sup>39</sup> I reflect the Hebrew singular rather than the NRSV plural here.

<sup>40</sup> Dion, “Suppression,” 153.

<sup>41</sup> Arnolf B. Ehrlich, *Randglossen zur hebräischen Bibel: Textkritisches, Sprachliches und Sachliches* (Hildesheim: Georg Olms, 1968), 2:288.

Hananiah has falsely assured the people that YHWH will eliminate Nebuchadnezzar's power over them within two years (Jer.28:11). In the second case, Shemaiah has falsely claimed that YHWH has appointed him to be priest in place of Jehoiada (Jer.29:25-26). The more detailed accusation against each is very similar—to Hananiah: “the LORD has not sent you, and you made this people trust in a lie” (לֹא־שִׁלַּחךָ יְהוָה וְאַתָּה הַבַּטַּחְתָּ ( Jer.28:15) and concerning Shemaiah: “I did not send him, and [he] has led you to trust in a lie” (לֹא שִׁלַּחְתִּיו וַיַּבְטִיחַ אֶתְכֶם עַל־שִׁקְרָא; Jer.29:31). So in these two instances where the larger narrative explains the context, speaking סָרַה means claiming to speak for YHWH while actually opposing his wishes and speaking a lie (שִׁקְרָא). In neither of the Jeremiah cases is the false prophet counseling explicit rebellion against YHWH by worshiping other gods. My contention that the center of these laws is the problem of loyalty to other gods and the resulting disloyalty (or rebellion or treason) against YHWH is not diminished by this understanding of סָרַה. The prophet is condemned for misrepresenting YHWH in this most fundamental way. So the case of Deut.13:2-6 may involve a prophet falsely proclaiming a word from YHWH to syncretize its worship of him with that of another deity.<sup>42</sup> It seems the text leaves open the possibility that what the prophet suggests may be more subtle than an outright change to another god. Perhaps the prophet recommends that a pantheon subordinate to YHWH be incorporated into Israel's worship.<sup>43</sup>

Regardless of all that speaking סָרַה may include, Moses returns to his sermonic voice to emphasize Israel's unique relationship to YHWH: “your God—who brought you out of the land of Egypt and redeemed you from the house of slavery” (אֱלֹהֵיכֶם (הַמוֹצִיא אֶתְכֶם מֵאֶרֶץ מִצְרַיִם וְהוֹצֵאֲכֶם מִבֵּית עַבְדִּים). In an unusual construction for Deuteronomy, the emphasis is not simply on what YHWH has done (which would probably use a relative clause), but the participial phrase emphasizes that YHWH is precisely the one who has done such great things for Israel. It could be rendered more literally, “YHWH, your God, the one who brought you out of the land of Egypt, the one who redeemed you from the house of slavery.”<sup>44</sup> In view here is YHWH's unique relationship to Israel through his salvific deeds rather than the deeds themselves.

<sup>42</sup> So also Tigay:

If our understanding of *dibber sarah* is correct, the law does not refer to a prophet of another god, but to a prophet of the Lord who advocates the worship of additional gods. Perhaps the text assumes that proposals made in the name of other gods would not be credible and were not a serious danger. The real danger would come from a prophet who seemed loyal to the Lord and argued in effect that worshiping other gods was compatible with loyalty to Him. (Tigay, *Deuteronomy*, 131)

<sup>43</sup> Tigay summarizes the theories of Maimonides and Ramban on how Israelites might rationalize the worship of YHWH's creation and foreign gods in analogy to the honoring of a secular king's officers (Tigay, *Deuteronomy*, 131).

<sup>44</sup> Cf. 8:14 where Israel is again urged to remain cognizant of and loyal to YHWH with a nearly identical phrase (it is, in fact, identical to the parallel phrase in the second case, 13:11), complemented in

Verse 6 offers a second characteristic of what the prophet is doing: these treasonous words were intended “to turn you (נָדַח, *hiphil*) from the way.” The decisive verb נָדַח occurs in all three cases considered in this passage (cf. vv. 11, 14). Within Deuteronomy, the term can refer to swinging an axe (19:5; 20:19) or a straying sheep (22:1). But it is also used for Israel turning away from YHWH to bow down to other gods (4:19; 30:17). Within the context of Israel’s disloyalty it can also refer to YHWH exiling Israel (30:1, 4). The prophet attempts to “thrust” Israel into idolatry. YHWH “thrusts” Israel out of the land. Within the theological framework of Deuteronomy, נָדַח joins two ideas: severe apostasy and its severe consequences. While any incitement to disobedience might be argued to be speaking “to turn you from the way in which the LORD your God commanded you to walk,” incitement to the fundamental disobedience of disloyalty brings the prophet’s fate upon him.

Wright expands on what is meant by “the way” (דֶּרֶךְ) that YHWH commands: “It implies a whole orientation of personal and social life towards the values, priorities, and will of God, including commitment to justice and compassion, to integrity and purity.”<sup>45</sup> Turning away from YHWH’s way is a rejection of not only YHWH’s person but also the society he endorses and is building. Wright continues, “To go after other gods was to go a different way, to adopt different social, economic, political, and personal values.”<sup>46</sup> Though the modern world separates religion and politics, the two are interwoven here: devotion to YHWH entails commitment to a sociopolitical fabric; devotion to another god moves toward different sociopolitical ways.

The case concludes with a final explanation for the harshness of punishing such words with death: “So you shall purge the evil from your midst” (וּבִעַרְתָּ הָרַע מִקִּרְבְּךָ). The stakes are so high that the evil of incitement to disloyalty takes on tangible properties, which the metaphor of purgative burning (בִּעַר) conveys as an explanation for the punishment’s severity.<sup>47</sup> This case concerns not just the life of the false prophet but the life of the entire nation.

### 5.2.2.2 *The Case of the Treasonous Intimate (vv. 7-12)*

The second case moves to another arena of powerful persuasion: the words of an intimate. Verse 7 catalogs the types of relations under consideration, with special emphasis on their intimacy: a brother (lit. “your brother, son of your mother”); אָחִיךָ

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the following verse with a similar participial construction describing YHWH bringing water out of the rock.

<sup>45</sup> Wright, *Deuteronomy*, 174.

<sup>46</sup> Wright, *Deuteronomy*, 175.

<sup>47</sup> The phrase appears a number of times in Deuteronomy, almost always with reference to capital punishment (13:6 [Eng.5]; 17:7, 12; 19:19; 21:21; 22:21, 22, 24; 24:7). 19:19 is the one possibly non-capital case.

בן־אִמֶּךָ,<sup>48</sup> son, daughter, wife (“the wife you embrace,” or literally, “the wife of your bosom”; אִשֶּׁת חֵיקֶךָ;<sup>49</sup> NASB renders it “the wife you cherish”),<sup>50</sup> or closest friend (lit. “your friend who is like your own soul”; רֵעַךְ אֲשֶׁר כַּנַּפְשְׁךָ). Brueggemann notes, “The rhetoric is at pains to indicate that the seducer may be among one’s most treasured companions.”<sup>51</sup> Such people have special access to their audience and privileged trust. Beyond this, the close relation implies a temptation to quiet the offense and certainly not initiate proceedings toward the ultimate punishment. The case concerns one of these intimates inciting or enticing (סוֹתָה) the hearer. Within the context, a better gloss might be “misleads” (cf. 2Kgs.18:32). Further adding to the nefarious aura around these words is the fact that the suggestion is made “secretly” (בְּסֵתֶר).<sup>52</sup>

Moses’ characterization of the intimate’s misleading words in v.7b is slightly different than those of the false prophet in v.3. Where the previous suggestions of following and serving were separated, this time the two verbs occur together (נִלְכְּהָ וְנִעֲבֹדָה). This change removes the technical language of “let us follow” (נִלְכְּהָ אַחֲרָיִךָ) and puts more focus on the serving, but without a significant change in meaning. Somewhat more significant is the broadening of the unknown status of these gods. The prophet said these were gods “whom you have not known” (אֲשֶׁר לֹא־יָדַעְתֶּם) while the intimate characterizes them as “whom neither you nor your ancestors (lit. ‘fathers’) have known” (אֲשֶׁר לֹא יָדַעְתָּ אֶתָּה וְאֶת־אֲבוֹתֶיךָ). This multigenerational addition heightens the historical commitment Israel has to YHWH. He alone is the one the ancestors acknowledged as their God. Within Deuteronomy, אֲבֹתָהּ predominantly recalls the oath of loyalty YHWH has sworn to Israel’s ancestors, which is tangibly realized in giving their descendants the land (cf. 1:8; 4:1; 6:3; etc.).<sup>53</sup>

<sup>48</sup> Sam. and LXX insert בן אבִיךָ אוֹ “son of your father or” to cover both possibilities of brotherhood. The MT seems to emphasize closeness of relationship (i.e. shared parent) while the longer versions prevent the error of limiting the list of possible offenders. However, the entire catalog is more representative than exhaustive.

<sup>49</sup> Cf. the rhetorical use of this phrase in the images of violated intimacy in 28:54, 56 (cf. §6.1.3.4).

<sup>50</sup> Tigay notes that both Solomon and Ahab were lured into wrongful worship by their wives (cf. 1Kgs 11:3; 21:25) (Tigay, *Deuteronomy*, 132).

<sup>51</sup> Brueggemann, *Deuteronomy*, 150-1.

<sup>52</sup> Although the secrecy of the words is relevant to the casuistry, since prosecution of the offender will thus require the testimony of the intimate hearer, the rhetorical flair of this additional detail also indicates the persuasive nature of Moses’ discourse. This is powerful argument that incitement to disloyalty is extremely dangerous.

<sup>53</sup> Römer demonstrates that the אֲבֹתָהּ of Deuteronomy refer to various ancestors of the generation of Israel addressed within Deuteronomy, including the wilderness generation, those who descended into Egypt, and the patriarchs. He argues that the latter are a secondary addition to Deuteronomy (Thomas C. Römer, *Israels Väter: Untersuchungen zur Väterthematik im Deuteronomium und in der deuteronomistischen Tradition* [OBO 99; Göttingen: Vandenhoeck & Ruprecht, 1990]). Römer’s thesis is critiqued by Norbert Lohfink, *Die Väter Israels im Deuteronomium: Mit einer Stellungnahme von Thomas Römer* (OBO 111; Göttingen: Vandenhoeck & Ruprecht, 1991), who argues the primacy of the clear connection between אֲבֹתָהּ and the patriarchs in 1:8. In any case, the connection between the אֲבֹתָהּ and the promise of the land is clear regardless of the antecedent.

In v.8, Moses expands on what other gods are in view: “any of the gods of the peoples that are around you, whether near or far away from you, from one end of the earth to the other.” The first point acknowledges that other peoples will follow other gods. But Israel is to be self-consciously different. To a substantial degree, her identity lies in this particular distinction from other peoples. The second and third points portray totality: there is no other god for Israel besides YHWH (cf. 5:7).

As with the first case, the next step (v.9) after characterizing the crime is not punishment but ensuring that the audience is not swayed by the treasonous speech (cf. vv.4-5). The single command of the first case, “you must not heed (שמע),” is expanded into a five-fold series of prohibitions, literally “you must not yield (אבה) to him; you must not heed (שמע) him; your eye must not pity (חוס) him; you must not spare (חמל) him; you must not cover (כסה) him.” This relentless series of prohibitions seems necessary in order to break the natural affinity between the intimates. Precedence must go to the affinity of the hearer with Israel and YHWH.<sup>54</sup> The first two commands protect the hearer from persuasion, lest another fall into idolatry. The second two concern the natural desire to protect the intimate from the punishment stipulated by the law. Prohibiting pity does not exclude emotion but the act of shielding that may result from the emotion.<sup>55</sup> The final command is traditionally interpreted as prohibiting concealment of the crime from the community and legal authorities, presumably by silence. An alternative is that it prohibits condoning the offender’s crime.<sup>56</sup> In either case, the point is that the loyalty to YHWH must override that to intimates, even in the face of their death. “The theological threat of the seduction overrides all normal social and familial inclinations.”<sup>57</sup>

The law then turns to the offender’s punishment (vv.10-11a), which is a command to the intimate’s audience, marked by an adversative כִּי.<sup>58</sup> instead of condoning or concealing the offense, the intimate hearer must throw the first stone.<sup>59</sup> In

<sup>54</sup> Rashi argues that the first three prohibitions reverse laws of compassion (Lev.19:18; Exod.23:5; Lev.19:16) that might lead the hearer to forgive the offender (Abraham ben Isaiah and Benjamin Sharfman, *The Pentateuch and Rashi’s Commentary: A Linear Translation into English: Deuteronomy* [Brooklyn: S.S.&R. 1950], 13:9).

<sup>55</sup> Tigay, *Deuteronomy*, 367 n.29.

<sup>56</sup> Bernard M. Levinson, “Recovering the Lost Original Meaning of עליו (Deuteronomy 13:9),” *JBL* 115 (1996): 601-20.

<sup>57</sup> Brueggemann, *Deuteronomy*, 151.

<sup>58</sup> GKC, §163a.

<sup>59</sup> There is a significant textual problem in v.10a. LXX seems to translate הנד תגידנו (“you must certainly report”) rather than the MT’s תהרגנו (“you must certainly kill”). The orthography is similar enough to allow for a scribal error and LXX has been preferred because it safeguards against the idea of summary execution by the hearer without trial, which would be inconsistent with the careful investigation of vv.13-19 and 17:2-7. Note that the lone discoverer is commanded to kill a plotting regicide in *VTE* II.130-46 (*ANET*, 535d-6a). Dion’s observation that the root הרג is completely absent in Deuteronomy, despite its preponderance of killing, weighs heavily in favor of LXX (Dion, “Suppression,” 153-4). The interpretation of כסה in v.9 is also affected by the preferred text of v.10a. In either case, the

parallel with the law against idolatrous worship, the witness is required to have a hand in the execution. It makes sense that the one tempted to idolatry would need to demonstrate rejection of the idolatry. However, this may also be an ordinary case of the witness being required to initiate the punishment (cf. 17:7). After the hearer begins the execution, the entire people is required to participate. No one is allowed to condone this most dangerous crime. Tigay notes that stoning was used against “crimes that challenged God’s authority or proper human authority.... Such crimes constituted acts of ‘high treason’ against God or society.... They were viewed as threats to national safety.”<sup>60</sup>

As with the first case, Moses offers further reasons for considering this crime to be so dangerous (v.11). The key verb נָדַח appears again, but instead of the offender seeking to turn the hearer from YHWH’s commanded way (cf. v.6), the explanation here is that the intimate has sought to turn the hearer from YHWH himself ( כִּי בִקֵּשׁ (לְהַדְרִיחַךְ מֵעַל יְהוָה)).<sup>61</sup> YHWH is again described in a participial construction that emphasizes his unique relationship to Israel (cf. v.6).<sup>62</sup> The final explanation (v.12) is that the harsh punishment, including the involvement of the people in imposing it, will act as a deterrent to prevent future offenses: “Then all Israel shall hear and be afraid” with the (hopeful) result that the evil thing will never again be done within Israel (וְלֹא־יִסְפוּ לַעֲשׂוֹת כַּדְבָר הַרַע הַזֶּה בְּקִרְבְּךָ).

### 5.2.2.3 The Case of the Treasonous City (vv.13-19)

The third and final case describes a situation where an entire city within Israel has fallen prey to the idea of disloyalty to YHWH. The protasis begins with hearsay: “If you hear it said about one of [your<sup>63</sup>] towns...” (v.13). But before proceeding to detail what might be heard, there is an opportunity for a sermonic comment about this city: “...that the LORD your God is giving you to live in.” Though “one of your cities” would be enough to establish the legal condition, the point is made that Israel would not even possess this city except by the gift of YHWH. Everything Israel is and has depends upon YHWH. YHWH has legitimate claim to Israel’s loyalty.

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end result is the death of the offender. Tigay notes that the general requirement for two witnesses for conviction of a capital led to a halakhic requirement that the offender repeat his proposal to additional witnesses before prosecution could proceed (Tigay, *Deuteronomy*, 133).

<sup>60</sup> Tigay, *Deuteronomy*, 133.

<sup>61</sup> This combination of prepositions does not otherwise occur with the verb נָדַח, but the implication seems to be that the goal was to turn the hearer from an attitude of facing or resting upon YHWH.

<sup>62</sup> There is a minor difference here. The second participial verb, “redeem” (פָּדָה), is eliminated, thus subsuming both the bringing out of Egypt and out of slavery under the one verb, “brought out” (צָא).

<sup>63</sup> “Your” is omitted by the NRSV, which uses “the” instead.

What is heard about this city (v.14)? The story revolves around some scoundrels (lit. “men, sons of worthlessness”; אנשים בני־בליעל).<sup>64</sup> Brueggemann notes that this is no objective term for agitators, but is label of “social marginalization” by the establishment that stands in opposition to them.<sup>65</sup> As with Moses’ negative characterization of the various treasonous speeches, those who desire a life for Israel apart from YHWH are glossed negatively as opponents to orthodox Israelite life, which indeed they are. Like the other offenders, these scoundrels are marked as Israelites (lit. “from your midst”; מקרבך). Foreigners would be assumed to advocate other gods, but this passage is concerned with sedition from within Israel.<sup>66</sup> These men are described as having “gone out” (יצאו). While physical travel from their homes may be in view, it seems the verb communicates some theological motion: the scoundrels began their lives within Israel, but have gone out from YHWH’s community and now trouble the nation. These insider/outsideers are then described as having “led astray” (the key verb נדח, again) the inhabitants of the city. Moses characterizes their incitement with the same wording as the intimate: “Let us go and worship other gods whom you have not known,” though the final phrase (“neither you nor your ancestors,” v.7) is omitted.

There is no warning to resist the propaganda this time, presumably because the audience has not itself heard the message.<sup>67</sup> The case begins with the audience becoming aware of the effect of the message on one of Israel’s cities (v.14).<sup>68</sup> Since the capital case thus far is based on hearsay and the turning of an entire city is a public and substantial enough circumstance to permit investigation, Moses commands a careful inquiry (v.15): “Then you must inquire and make a thorough investigation” (ודרשת וחקרת ושאלת היטב; lit. “and you shall seek out and search and inquire well”). If the truth of the matter is established (והנה אמת נכון), that this “abhorrent thing has been done among you” (הדבר נעשה התועבה הזאת בקרבך), then the punishment must be exacted.

Verse 16 prescribes the response, saying the same thing in two different ways. First, the inhabitants of that<sup>69</sup> city must be struck (הכה תכה) with the edge of the sword. The judicial response of the first two cases is replaced by a militaristic response;

<sup>64</sup> Cf. Tigay, *Deuteronomy*, 134 on possible meanings of בליעל.

<sup>65</sup> Brueggemann, *Deuteronomy*, 152.

<sup>66</sup> Cf. the modern example of the different responses to the “insider” John Walker Lindh and the “outsider” Yaser Hamdi (§3.4.3.1).

<sup>67</sup> Dion, “Suppression,” 164.

<sup>68</sup> LXX and 11Q Temple insert πανταχ/כל here and v.16 (i.e. “all of the inhabitants”; Nelson, *Deuteronomy*, 164o), which might limit the case to the situation where every inhabitant without exception has turned to other gods, which would be in line with rabbinic interpretation that seeks to limit the applicability of this law (Tigay, *Deuteronomy*, 368 n.40). Dion argues that the addition of כל is gratuitous and without meaning (Dion, “Suppression,” 154-5).

<sup>69</sup> There is a *qere* reading of the demonstrative pronoun to correct the gender of the *kethib*. This is ordinarily a *qere perpetuum* (GKC, §17c), but is noted explicitly in the MT here.

the destruction of a city requires military force and is likely to be met by determined military resistance.<sup>70</sup> No provision is made for innocent inhabitants of the city. It would seem that once military destruction of the city is deemed necessary, the possibility of individualized judgment is no longer possible, or even desirable.<sup>71</sup> The idea of a city changing religions sounds odd to modern ears, but its political counterpart is intelligible: cities on disputed borders between rival political factions often change sides as local power shifts.<sup>72</sup> Some ANE treaties prescribed a similar destruction of a rebellious city.<sup>73</sup>

Second, the city and all who are in it, including the beasts, are commanded to be placed under the ban (חרם, *hiphil*) and put to the sword. Within Deuteronomy, the term חרם is used primarily for the destruction of Israel's enemies (Sihon, 2:34; Og, 3:6; the nations of Canaan, 7:2; 20:17), not Israel herself. But 7:26 warns Israelites against acquiring banned idols and thereby becoming חרם. The view seems to be that an Israelite who unites with other gods effectively becomes a Canaanite, a lure to idolatry for the rest of Israel, whose destruction is required for the safety of the nation. The response of destruction continues in v.17 with the dramatic gathering and public burning of all of the booty of the apostate city. The evil of that city thus becomes a burnt offering to YHWH (כליל ליהוה). Even after everyone and everything is destroyed, Moses goes on to stipulate that the city "shall remain a perpetual ruin, never to be rebuilt." This eternal destruction of the city is more severe than the חרם applied to the Canaanites, where rebuilding was allowed, except for Jericho (Josh.6:26). The perpetual ruin seems to remain as a monumental warning against apostasy for future generations.

The result of obedience to this terrifying law is given in v.18b: YHWH will turn from his fierce anger (ישׁוב יהוה מחרון אפיו) and instead "show you compassion, and in his compassion multiply you, as he swore to your ancestors" (ונתן-לך רחמים ורחמך) (והרבך כאשר נשבע לאבתך). YHWH enters the case as an active and interested party. Apparently, YHWH has been waiting in the back of the courtroom to see what Israel would do when one of his gift cities turns against him. The disloyalty has provoked his

<sup>70</sup> Cf. Tigay, *Deuteronomy*, 134; Dion, "Suppression," 165. Cf. discussion of ancient siege warfare in §6.2.2.

<sup>71</sup> Tigay reads the text more idealistically: "The text apparently deals only with the hypothetical case where the entire town is guilty. Halakhic exegesis presumes that the conduct of each adult in the town is investigated and that only those are executed against whom there is sufficient evidence of guilt" (Tigay, *Deuteronomy*, 134).

<sup>72</sup> Cf. McConville, *Deuteronomy*, 240.

<sup>73</sup> E.g. the Sefire III treaty considers the case of an entire city being guilty of killing the sovereign: "If it is a city, you must strike it with a sword" (Joseph A. Fitzmeyer, *Aramaic Inscriptions of Sefire* [BibOr 19; Rome: Pontifical Biblical Institute, 1967], Sefire III, ll.12-13, pp.98-9; cf. his text critical note, p.114). Also in *ANET*, 661a.

anger, but he is patient to wait for Israel to handle the case properly, meaning the city's destruction. This revelation suggests that he has been observing the previous two cases as well, while also possibly growing angry. In this final case, the court is compelled to choose between two horrible possibilities: utterly destroying one of Israel's own cities or facing the anger of YHWH. Only by killing every inhabitant, consuming all of the booty with fire, and leaving the city as an everlasting heap of rubble, can the anger of YHWH be assuaged. Declaring one city of Israel as **חָרֵם** limits the destruction of YHWH declaring the entire nation as **חָרֵם**. In a parallel case, when Achan violates the ban at Jericho, this single offense leads to the threat of the destruction of the entire nation (Josh.7:9, 12). Rectifying the offense through the death of Achan and his family and the destruction of his stolen booty leads YHWH to turn from his fierce anger ( **וַיִּשְׁבַּח** ) יהוה מחרון אפן, Josh.7:26; nearly identical wording to Deut.13:18). The *realpolitik* of a stubborn people living in covenant with the demanding and exclusive YHWH can lead to difficult choices between destructive forces.

The case is summarized with another adversative **כִּי** (cf. v.10) that tells Israel what she should do instead of clinging to the booty of the doomed city: But “obey the voice of the LORD your God by keeping all his commandments that I am commanding you today, doing what is right in the sight of the LORD your God” (v.19). This exhortation, familiar within Deuteronomy (e.g. 6:1-3; 12:28; 15:5; 28:1), concludes the cases of disloyalty with a repetition of what is required from Israel. She has promised loyalty (5:27-28) and that is what YHWH both expects and demands.

### 5.3 THE ANGER OF YHWH: NATIONAL AND INDIVIDUAL

The relationship between following “other gods,” YHWH's anger, and Israel's destruction was outlined in §2.3.2. Up to this point, the primary focus has been national disloyalty, YHWH's anger at the nation, and national destruction. Deuteronomy 13 complements this national issue by considering the growth of disloyalty from an individual. An additional passage concerned with individual disloyalty is Deut.29:17-20 (Eng.18-21), which I consider briefly before returning to Deut.13.

Deuteronomy 28 contains dramatic warnings of the curses that are prepared for disloyal Israel (28:15-68), which concludes Moses' second great speech (4:44-28:68).<sup>74</sup> Deuteronomy 29 begins a section of the book that focuses on Israel's acceptance of the covenant with YHWH. Verses 17-20 (Eng.18-21) contain a warning for any individuals or groups within otherwise loyal Israel who, while secretly disloyal to YHWH, hope to

<sup>74</sup> Deut.28 is discussed in detail in ch.6.

avoid any consequences because of YHWH's blessing of the larger nation: "It may be that there is among you a man or woman, or a family or tribe, whose heart is already turning away (פנה) from the LORD our God to serve (ללכת לעבר) the gods of those nations" (29:17 Eng.18). Moses' message to such is that they will not escape the LORD's anger:

The LORD will be unwilling to pardon them,<sup>75</sup> for the LORD's anger (אף) and passion (יקנאות; lit. "jealousy") will smoke against them. All the curses written in this book will descend on them, and the LORD will blot out their names from under heaven. The LORD will single them out from all the tribes of Israel for calamity (והבדילו יהוה לרעה מכל שבטי ישראל), in accordance with all the curses of the covenant written in this book of the law. (29:19-20 Eng.20-21)

These verses appear to teach that YHWH will act in an individual fashion, punishing each according to his or her own disloyalty. But although individual retribution is in view, the passage also connects national disaster to these individuals. Note that Moses' words here are not explicitly directed at the disloyal minority within Israel but the loyal majority. He characterizes these individuals in terms that mark them as a danger to the entire society: "It may be that there is among you a root sprouting (פרה) poisonous and bitter growth" (29:17 Eng.18). Their poison of disloyalty may grow. Verse 18b (Eng.19b) is difficult to interpret: למען ספות הרות את-הצמאה, but if it is the voice of the narrator, it seems to indicate that the disloyal person will bring disaster upon the entire nation, even though the rest of the nation is not guilty.<sup>76</sup> The NRSV and NIV choose this interpretation, translating, "thus bringing disaster on moist and dry alike" and "this will bring disaster on the watered land as well as the dry," respectively.

The idea that disloyal individuals endanger the entire nation is also implied by the jarring jump from this warning in vv.17-20 (Eng.18-21) to the scene of later generations witnessing the awful destruction of the entire nation in the subsequent verses:

The next generation, your children who rise up after you, as well as the foreigner who comes from a distant country, will see the devastation of that land and the afflictions with which the LORD has afflicted it—all its soil burned out by sulfur and salt, nothing planted, nothing sprouting, unable to support any vegetation, like the destruction of Sodom and Gomorrah, Admah and Zeboiim, which the LORD destroyed in his fierce anger (באפו ובהמתו). (29:21-22 Eng.22-23)

<sup>75</sup> The Hebrew uses singular pronouns for the offender throughout, though the NRSV translates with a plural.

<sup>76</sup> For a number of other interpretations and their merits, cf. Nelson, *Deuteronomy*, 336r. Alternatives include that destruction comes upon the entirety of the disloyal one's life or that the disloyal one thinks the presence of the innocent will protect the guilty.

When these witnesses of the devastation of Israel inquire why such a thing has happened, the answer will come that “they turned (lit. ‘walked,’ i.e. ‘followed’) and served other gods, worshiping them, gods whom they had not known” (וילכו ויעבדו) (אלהים אחרים וישתחוו להם אלהים אשר לא־ירעום ולא חלק להם, 29:25 Eng.26). This juxtaposition of the disloyal individual, family, or tribe and the destruction of the disloyal nation highlights the serious concern for the growth from individual disloyalty to national disaster.

Returning to Deut. 13, it is clear that the individual proselytizers of the first two cases constitute a serious danger to the entire nation. If apostasy reaches the point where the third case’s condition is met—an entire city turns to other gods—the drastic punishment of devoting that city to the ban (חרם) becomes a drastic, disfiguring surgery to preserve the life of the nation. The promise that this bloodbath and incineration has a purpose (“that the LORD may turn from his fierce anger”) only then leads to the positive promise that YHWH will “show you compassion, and in his compassion multiply you, as he swore to your ancestors” (13:18).

Deuteronomy 13 commands drastic measures against individual and regional disloyalty. However, if the prosecution of this law (or the refusal to prosecute) fails to stem the growing poison of disloyalty, YHWH elsewhere threatens to destroy the entire nation. Thus the threat of idolatry spans a spectrum from an individual idolater (Deut. 17:1-7), to an individual proselytizer (Deut. 13:2-12), an idolatrous city (Deut. 13:13-19), as far as the tragedy of the entire nation turning from YHWH to other gods (e.g. 4:1-40; 28:15-68; 31:14-32:47). The penalty in each case is death and destruction. YHWH delegates the role of executioner to Israel’s leadership. However, if disloyalty spreads and engulfs the nation, YHWH will do the executing himself. Small scale idolatry incites YHWH, but human management of the problem turns him from his anger. Without human intervention, YHWH’s anger grows to the point of him unleashing his own destructive power.

## 5.4 MODERN RESPONSE TO REBELLION ON DIFFERENT SCALES

### 5.4.1 POLICE AND MILITARY ACTION

The transition from small scale prosecution to utter destruction corresponds to the modern transition from law enforcement to war. The control of terrorism provides a contemporary example. In America, the police are charged with searching out terrorist activity, gathering evidence against terrorists, and arresting suspected terrorists. The judiciary then charges and tries the accused and the executive branch punishes the

convicted. Such work is increasingly trans-national as other national governments are encouraged to join the police work against terrorism. Police, judiciaries, and executives work together in this task to the degree that common goals and abilities unite them. As long as criminal proceedings achieve the desired effect of stopping terrorism from threatening America and its worldwide interests, there is no need to escalate the prosecution of terrorism.

However, if law enforcement fails to quell terrorism, more drastic measures are deemed necessary. This, unfortunately, has been the case in the war on terror. Less than a month after September 11, 2001, the United States military attacked Afghanistan because its Taliban government was deemed to have failed to support America's commitment to prosecute terrorists within that nation. President Bush announced,

More than two weeks ago, I gave Taliban leaders a series of clear and specific demands: Close terrorist training camps; hand over leaders of the al Qaeda network; and return all foreign nationals, including American citizens, unjustly detained in your country. None of these demands were met. And now the Taliban will pay a price.

Police action and government cooperation failed to accomplish the American anti-terrorist demands and so the mode of control shifted to warfare. The president went on in his speech:

Today we focus on Afghanistan, but the battle is broader. Every nation has a choice to make. In this conflict, there is no neutral ground. If any government sponsors the outlaws and killers of innocents, they have become outlaws and murderers, themselves. And they will take that lonely path at their own peril.<sup>77</sup>

The world has been warned.

Shifting from police action to military warfare necessitates practical changes in the application of force. When terrorist activity is small-scale and unsupported by the community, police can act with relative precision, adhering to conservative processes for evidence gathering and treatment of suspects, prosecuting the accused with fair trials and presumed innocence, and allotting punishments determined by legislators who have considered matters from the relative cool of their chambers. However, in times of war, these rules change. Recent technological progress in precision weapons notwithstanding, warfare is inexact. Military intelligence is gathered without extensive concern for protecting privacy. Suspected enemies are routinely killed—not necessarily out of malice, but from the pragmatic preference for killing over being killed. Though killing the “innocent” (and the distinction between innocent and guilty becomes significantly blurred in warfare) is regrettable and minimized, when a terrorist leader is

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<sup>77</sup> George W. Bush, “Presidential Address to the Nation (October 7, 2001),” n.p. (cited 11 Aug 2006). Online: <http://www.whitehouse.gov/news/releases/2001/10/20011007-8.html>.

hiding in a private home, the bomb that kills him is likely to kill a number of “suspected terrorists” as well as any friends, family, and children who are unlucky enough to be there at the same time. And if the intelligence was incorrect and the wrong house is bombed or is bombed at the wrong time, killing “innocents” or—speaking euphemistically—causing “collateral damage,” is regrettable but largely unavoidable.

These realities need to be borne in mind when reflecting on the **חָרֵם** of the disloyal city in Deut.13. Though rabbinic interpretation of this passage envisions the destruction being carried out in a precise judicial fashion (cf. n.71), the totality of the military language (“you shall put the inhabitants of that town to the sword”; **הַכָּה תִּכָּה**; **אֶת־יֹשְׁבֵי הָעִיר הַהוּא לְפִי־חָרֵב**, 13:16) seems to imply an act of war against the city, with all of the tragic loss of life—innocent and guilty together—that such an act involves in the modern world.<sup>78</sup> If the warfare expands from a single city to the entire nation, the problem expands as one would expect, resulting in tragic destruction with no (or at least marginalized) individualized distinction, as vividly portrayed in Deut.28:15-68 (discussed in the next chapter).<sup>79</sup>

Although the analogy is obviously limited and partial, the American wars on terrorism against the Taliban in Afghanistan and Saddam Hussein in Iraq can be compared with YHWH’s war on idolatry in Deuteronomy. The purpose in each case is to preserve an ideological view of what makes a good society against those who advocate a different ideology. YHWH demands that he be Israel’s one and only God. America demands that its societal vision, characterized by its notion of “freedom,” be unchallenged.<sup>80</sup> In each case, some people are committed to destroying the dominant society because of a competing ideology. Therefore, serious efforts are made to limit such seditious activity. YHWH commands capital punishment for those who advocate transferring loyalty to other gods. America, with its tradition of free speech, is more

<sup>78</sup> It is worth noting that the total destruction of **חָרֵם** is more comprehensive about the level of destruction necessary to solve the problem of disloyalty than would typically be the case in modern warfare. However, since we have no record of the enactment of the punishment described in the third case of Deut.13, it is difficult to know how the “idealized” terms of that case may have been played out in the messy world of actual warfare. Cf. the saving of Rahab and her family from the **חָרֵם** of Jericho (Josh.6:17).

<sup>79</sup> It is worth noting that the general canonical portrayal of YHWH’s actions presents individualized special cases alongside sweeping collective events. Cf. the family of Ruth in the upheaval and famine in the time of the Judges, Naaman’s wife’s Israelite servant captured in Aram’s wars against Israel (2Kgs.5:2ff.), etc. Generalizations are often made about collective groups without highlighting important individual exceptions.

<sup>80</sup> The charges against extremist Islamist terrorists vary. They are sometimes charged with the straightforward crime of killing innocent people (Bush, “7 Oct 2001 Address”), but one of many examples of the broader ideological charge is in President Bush’s speech in response to the 9/11 attacks: “On September the 11th, enemies of freedom committed an act of war against our country” (George W. Bush, “Freedom at War with Fear,” [20 Sep 2001], n.p. Cited 5 May 2006. Online: <http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html>). Cf. the different ideas of freedom discussed in §4.3.2.

restrained on outlawing advocacy of loyalty to other ways of life. However, when the speech crosses the line and becomes a substantial threat, legal action is taken against such voices. For example, United Nations Security Council Resolution 1624 “calls upon all States to...prohibit by law incitement to commit a terrorist act or acts.”<sup>81</sup> Note that this resolution concerns terrorist acts, which are probably meant to be limited to violent acts. Such violence is not explicitly present in the idolatry being incited in Deut. 13. However, the resolution describes a struggle against the ideology of “extremism and intolerance” that motivates terrorist acts and not just a struggle against violence itself. YHWH commands people not to provide safe haven for those inciting disloyalty (cf. Deut. 13:9). The UN resolution likewise commands member states to adopt appropriate measures to “deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of such conduct [i.e. incitement to commit a terrorist act].”

If a foreign state is unable to control terrorist activity within its borders, presumably even with more drastic action than normal law enforcement, the United States is committed to wielding its military might against that nation, even as far as forcing a change in that nation’s government to one more supportive of American ideological commitments. Under President Clinton, the United States established the “Iraq Liberation Act of 1998,” which states, “It should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime.”<sup>82</sup> The invasion that effected that change was launched in 2003. YHWH likewise promises to wield his anger, with all of its terrible consequences, upon Israel if she fails to rein in idolatry that threatens YHWH’s ideology. The hope in both cases is that the devastated nation will rise again, but with commitments aligned to the vision of America/YHWH (cf. Deut. 4:29-30; 30:1-10).

#### 5.4.2 THE SPECTER OF TOTALITARIANISM

Some commentators express discomfort with the second case of Deut. 13 because people are commanded to turn against their intimates who reject loyalty to YHWH.

McConville writes, “This has the hallmarks of totalitarianism, a system of informing on neighbours and therefore of deep mistrust.... The provision for all members of the

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<sup>81</sup> United Nations Security Council, “Resolution 1624,” (14 Sep 2005), n.p. Cited 8 May 2007. Online: [http://www.un.org/Docs/journal/asp/ws.asp?m=s/res/1624\(2005\)](http://www.un.org/Docs/journal/asp/ws.asp?m=s/res/1624(2005)).

<sup>82</sup> United States Congress, “Iraq Liberation Act of 1998,” (31 Oct 1998), n.p. Cited 14 Mar 2007. Online: [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=105\\_cong\\_public\\_laws&docid=f:publ338.105.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=105_cong_public_laws&docid=f:publ338.105.pdf).

community to become a sort of ‘secret police’, watching their own families, has very unpleasant resonances.”<sup>83</sup> Brueggemann is similarly wary:

The assault on intimates conjures that worst use of “party discipline” that rewards informers<sup>84</sup> who squeal on intimate family conversation.... The dilemma is that in the practice of such vigilance and discipline, the community engages in brutalizing actions that give the lie to its own best sense of itself.<sup>85</sup>

Terms like “secret police” and “party discipline” obviously invoke the repressive governments of Nazi Germany and the Soviet Union. Is YHWH to be likened to these? Perhaps so, and Brueggemann’s warning is valid that a society can contradict its own ideology in the effort to protect itself from other ideologies.<sup>86</sup> However, in continuing the parallel with America’s war on terror, it would be difficult to argue that Deut. 13 contemplates anything near the level of surveillance currently operative in the United States and abroad. Though not open to public inspection, the government apparatus apparently monitors individuals’ movements, personal and public communications, and financial transactions in order to detect signs of terrorist activity.<sup>87</sup> Though this loss of cherished privacy is challenged, protested, and regretted, in the end it is permitted and broadly accepted as necessary to preserve American society. There exists a dynamic and negotiated balance between the severity of the threat and the sacrifice of personal liberty. Rather than comparing, in strawman fashion, YHWH’s concern for seditious activity to those of past governments that are generally acknowledged as evil, the proper comparison is with living governments that see themselves as threatened. One may or may not agree with the actions of such living states, but comparisons between YHWH and such states offers more opportunity for useful analysis than comparisons with iconic evils such as Nazi Germany.<sup>88</sup>

Deciding whether Deuteronomy’s Israel or American society provides greater freedom and less totalitarian oppression is beyond the scope of this work, but I suggest

<sup>83</sup> McConville, *Deuteronomy*, 239, 241.

<sup>84</sup> His characterization seems unfair as Deut. 13 does not prescribe any sort of reward for informers. The text seems more concerned with convincing potential informers to do what does not seem in their personal interests.

<sup>85</sup> Brueggemann, *Deuteronomy*, 155, 156.

<sup>86</sup> It should be noted that Brueggemann’s argument depends upon liberalism and non-violence being a significant part of a community’s “best sense of itself.” Other ideologies prioritize other societal features.

<sup>87</sup> An “electronic dragnet” project was begun in 2002, but was cancelled. It is likely that comparable surveillance is being done without divulging details to the public. A report on this original system said, “As the director of the effort, Vice Adm. John M. Poindexter, has described the system in Pentagon documents and in speeches, it will provide intelligence analysts and law enforcement officials with instant access to information from Internet mail and calling records to credit card and banking transactions and travel documents, without a search warrant” (John Markoff, “Threats and Responses: Intelligence; Pentagon Plans a Computer System that Would Peek at Personal Data of Americans.” *New York Times* [9 Nov 2002], n.p. Cited 17 Aug 2006. Online: <http://query.nytimes.com/gst/fullpage.html?res=9F05EFD61431F93AA35752C1A9649C8B63&sec=&spn=&pagewanted=all>).

<sup>88</sup> A popular logical fallacy, whimsically termed *reductio ad Hitlerum*, reasons that anything Hitler did must be evil (cf. Leo Strauss, *Natural Right and History* [Chicago: University of Chicago Press, 1953], 42-3).

that the comparison is not far-fetched but requires careful consideration.<sup>89</sup> Craigie balances Deuteronomy's view of bondage and freedom when he writes,

The treaty structure of the covenant was a reminder to the people of their liberty in this world and of their total commitment to God. They had been in bondage, vassals to the worldly power in Egypt, but God's intervention in history at the Exodus had freed the Israelites from that human vassaldom; in the encounter with God at Horeb, they had submitted to a new vassaldom under God.<sup>90</sup>

Freedom, justice, order, and prosperity are societal virtues that have been championed by societies with very different ideas of what these virtues entail.<sup>91</sup>

#### 5.4.3 PROTECTING THE ANCIENT AND MODERN KINGDOMS

The severe repression of disloyalty in Deut.13 suggests a further question: what is so deeply feared that it is worth killing over? I first consider parallel ideas in ANE treaties before responding.

The demand for religious loyalty in Deut.13 parallels similar ANE demands for political loyalty. Dion writes, "Just replace 'other gods' by 'other kings,' and you obtain a piece of legislation against *political* subversion, which would make perfect sense in the authoritarian monarchies of the ancient Near East."<sup>92</sup> Stipulating severe consequences for urging disloyalty was as crucial for maintaining the societal vision of the Hittites and the Assyrians as for YHWH. In these ANE treaties, rebellion against the Great King was of considerable concern. Weinfeld writes, "Warnings of the type found in Deut.13 are encountered in Hittite, Aramean, and neo-Assyrian political treaties; indeed they constitute the principal subject-matter of these treaties."<sup>93</sup> The *Vassal Treaties of Esarhaddon (VTE)* focuses on this one problem and provides a useful example.<sup>94</sup> The neo-Assyrian king Esarhaddon wrote this treaty to ensure that his vassals would be faithful to his son Ashurbanipal, the crown prince. Frankena describes its stipulations in this way, "In the 32 paragraphs of the treaty stipulations Esarhaddon tries to be exhaustive in mentioning the possibilities of rebellion after his death...."

<sup>89</sup> Obviously the definition of the terms "freedom" and "oppression" would play a determinative role in such a debate.

<sup>90</sup> Craigie, *Deuteronomy*, 37. Cf. §4.3.1.

<sup>91</sup> E.g. Sennacherib's attribution as "The King of Justice" (Hayim Tadmor, "Sennacherib, King of Justice," in *Sefer Moshe: The Moshe Weinfeld Jubilee Volume : Studies in the Bible and the Ancient Near East, Qumran, and Post-Biblical Judaism* [ed. Chaim Cohen, Avi Hurvitz and Shalom M. Paul; Winona Lake, Ind.: Eisenbrauns, 2004]).

<sup>92</sup> Dion, "Suppression," 197-8, emphasis original. Weinfeld agrees, "The religious treason here is described and combated just as if it were political treason" (Weinfeld, *Deuteronomic*, 92). Tigay writes, "There are close parallels to these provisions [i.e. Deut.13] in laws against sedition in ancient treaties and similar texts" (Tigay, *Deuteronomy*, 128).

<sup>93</sup> Weinfeld, *Deuteronomic*, 92.

<sup>94</sup> More extensive lists of ANE parallels to the concerns of Deut.13 can be found in Weinfeld, *Deuteronomic*, 91-100 and Dion, "Suppression," 199-204.

Esarhaddon gives so many useful details for a rebellion in this section that the treaty might be regarded as a handbook for a future usurper.<sup>95</sup> Of particular relevance for the first two cases of Deut. 13 is this clause:

If any (of you) hears some wrong, evil, unseemly plan which is improper or detrimental to the crown prince designate Ashurbanipal, son of your lord Esarhaddon, king of Assyria, whether they be spoken by his enemy or his ally, by his brothers, by his sons, by his daughters, by his brothers, his father's brothers, his cousins, or any other member of his father's lineage, or by *your own brothers, sons, or daughters, or by a prophet, an ecstatic, a dream-interpreter*, or by any human being whatsoever, and conceals it, does not come and report it to the crown prince designate Ashurbanipal, son of Esarhaddon, king of Assyria—<sup>96</sup>

In addition to other sources of rebellion, Esarhaddon shares Deuteronomy's anxiety about people heeding rebellious prophets and concealing plotting family members.

Esarhaddon expects more than the reporting of sedition. If the disloyalty actually poses a concrete threat to the crown prince, his vassal must do everything possible to kill the traitor:

If anyone instigates you to a revolt or rebellion against the crown prince designate Ashurbanipal, son of your lord Esarhaddon, king of Assyria, concerning whom he has established (this) treaty with you, in order to kill, harm and destroy him, and you, upon hearing such a thing from anybody, do not seize the instigators of the revolt, do not bring them before the crown prince designate Ashurbanipal, (and) if you, being able to seize and kill them, do not seize and kill them, do not eradicate their name and descendants from the country, or, being unable to seize and kill them, you do not inform the crown prince designate Ashurbanipal, do not stand by him and seize and kill the instigators of the revolt—<sup>97</sup>

In addition, like Deut. 13, the treaty stipulates that one must not listen to rebellious words: "If someone in the palace starts a revolt, whether by day or by night, whether on the road or in the hinterland, against Esarhaddon, king of Assyria, you must not listen to him."<sup>98</sup>

Finally, the treaty provides vivid and harrowing curses upon those who rebel, which are comparable with the curses of Deut. 28 for disobedience to YHWH. I examine these graphic curses in the next chapter, but they are summarized well by the words that are to be spoken to the future generations:

If you do not say and do not give orders to your sons, grandsons, to your offspring, to your descendants, who will live in the future after this treaty, saying: "Keep this treaty, do not sin against this treaty with you, lest you lose

<sup>95</sup> R. Frankena, "The Vassal-Treaties of Esarhaddon and the Dating of Deuteronomy," *Ori* 14 (1965): 128.

<sup>96</sup> *VTE* II.108ff. (*ANET*, 535d), emphasis added.

<sup>97</sup> *VTE* II.130ff. (*ANET*, 535d-536a).

<sup>98</sup> *VTE* II.198ff. (*ANET*, 536c).

your lives, deliver your land to destruction, and your people to be deported. Let this order, which is acceptable to god and man, be acceptable to you too, let it be pleasing to you. Let Ashurbanipal, the crown prince designate, be preserved to be lord over the land and the people, and later be called to kingship. Do not set over yourselves another king, another lord.”<sup>99</sup>

Although *VTE* does not explicitly refer to the situation of the third case in Deut. 13—the rebellion of an entire city<sup>100</sup>—it should be noted that the treaty is made with a vassal leader, not directly with individuals of the population. Rebellion by this leader would be somewhat analogous with the rebellion of a city in Deuteronomy, which Esarhaddon promises to punish with destruction of the leader’s land.

Although these treaties do not provide a political philosophy for understanding their concerns about rebellion, it should be clear that the stability of the society under the Great King fundamentally depends upon the quelling of sedition. Treason is both a crime against the ruler and a crime against the entire community, which depends upon its governmental structures.

To return to the initial question, what do these prohibitions of disloyalty protect? I begin with the Great King’s perspective. In the ANE treaties, the life of the Great King is at risk. Leaders are threatened by disgruntled subjects and ambitious usurpers. The treaties preserve his safety. Thus, ANE treaties sometimes stipulate that the vassal provide military aid in case the Great King comes under attack.<sup>101</sup> But this is no concern in Deuteronomy: YHWH’s person is not threatened personally by any human rebellion. YHWH needs no protection from Israel’s police force. Israel’s army does not protect YHWH. However, insofar as the Great King’s life is wrapped up with his dominion, his concerns are more comparable with YHWH’s. Successful rebellion means the undermining of the kingdom each is building. At the societal level, the Great King and YHWH have similar concerns.

What are the concerns of the vassal? On the positive side, the vassal’s interests may be aligned with the Great King’s. If the vassal is truly loyal and is committed to the kingdom that is imposed upon—or “granted to,” depending on the perspective—him, then the vassal’s interest is the maintenance of that kingdom by protecting the Great King and his dominion. This means that a loyal citizen will work against any seditious citizens’ goals, ultimately bringing the force of legal punishment against traitors.

But on the negative side, if the vassal does not support the Great King and his dominion, it still might be in the vassal’s interest to support him and resist sedition. For

<sup>99</sup> *VTE* c. 11.287ff. (*ANET*, 537b).

<sup>100</sup> Though cf. n.73.

<sup>101</sup> F. Charles Fensham, “Clauses of Protection in Hittite Vassal-Treaties and the Old Testament,” *VT* 13:2 (1963): 135.

a successful rebellion would prompt the Great King's retaliation<sup>102</sup> that might sweep over the semi-loyal and disloyal alike. However, if the Great King becomes politically weak, the vassal's independence by rebellion may be achievable. The history of the ANE, including Israel's tense relationships with Assyria and Babylon, is full of rebellion during times of imperial weakness.

Israel's concerns in Deuteronomy largely match this ANE pattern. If Israel predominantly supports YHWH's rule, suppressing nascent rebellion makes sense. Even if Israel is largely unsupportive of YHWH, the specter of provoking his anger provides an incentive for compliance. In Deut.13, both sides of this argument are present. YHWH's past benefits (vv.6, 11) and promise for future benefits (v.18) encourage alignment with YHWH, which is so strongly demanded in v.5. However, the passage is not reluctant to point out that refusing to punish sedition may bring terrible consequences upon Israel: "So you shall purge the evil from your midst" (v.6); "Then all Israel shall hear and be afraid, and never again do any such wickedness" (v.12); "So that the LORD may turn from his fierce anger" (v.18). The first of these reasons assumes that Israel agrees with YHWH that sedition is evil. The second is most appropriate for marginally loyal Israelites because it inspires fear of consequences. The third operates in both directions. If one is loyal to YHWH, then turning him back to compassion is a positive goal. But even if one is disloyal, provoking YHWH's anger must be understood as foolishness. So the disloyal choose the lesser of two evils by submitting to YHWH's rule. The loyal choose the good: life as YHWH's people.

Returning to the modern world, are there modern concerns that are analogous to protecting one's relationship with the Great King/YHWH and to avoiding the provocation of his wrath? The powers of America and the United Nations Security Council certainly promulgate their vision for the world with the hope of gaining wholehearted loyalty that comes from sympathy with this vision. In the Security Council resolution cited above, this vision is summarized in one of the motivational clauses: "Deeply concerned that incitement of terrorist acts motivated by extremism and intolerance poses a serious and growing danger to the enjoyment of human rights, threatens the social and economic development of all States, undermines global stability and prosperity...."<sup>103</sup> Supporting the incumbent society protects these values, while it is argued the terrorists seek only destruction. People should be loyal to the existing powers because of the good they produce. On the negative side, this resolution is legally binding on United Nations member states; and history has shown that relatively

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<sup>102</sup> E.g. Oded, *War*, chs.5-7.

<sup>103</sup> United Nations Security Council, "Resolution 1624."

arbitrary punitive action may be used to punish those who disregard such resolutions. The American invasion of Afghanistan is only one example of the result of state support for terrorism; so even those who oppose the prevailing powers should tremble before the possibility of provoking their military power. However, like Great Kings of the ANE, American power and determination may wane someday, so rebels make calculated moves, much like ANE vassals.

## 5.5 CONCLUSION

My consideration of Deut.13 and analogous modern ideas suggests that each society displays its own “deeply anxious exclusivism.”<sup>104</sup> Deuteronomy is concerned that Israel’s life flow from YHWH. The modern West is concerned that life flow from liberal democracy and capitalism. It would be incorrect to characterize Deut.13 as evidence for a distasteful and misplaced ancient zeal as viewed through dispassionate modern Western eyes. The modern West has tremendous zeal for its ultimate concern, but that concern is not YHWH, nor anything else that has been marginalized as “religion.”<sup>105</sup> Zealous visionaries for “other gods” than those of the modern West and ordinary people who secretly advocate treason have been warned. And nations that are unwilling or incapable of controlling seditious activity will, as warned by President Bush, “take that lonely path at their own peril.”<sup>106</sup>

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<sup>104</sup> Brueggemann’s words to describe the situation in Deut.13 (cf. n.12 above).

<sup>105</sup> Cf. §2.1.1.

<sup>106</sup> Bush, “7 Oct 2001 Address.”

*Will you speak falsely for God,  
And speak deceitfully for him?  
Will you show partiality toward him,  
Will you plead the case for God?  
Will it be well with you  
when he searches you out?  
Or can you deceive him,  
as one person deceives another?*

*Job 13:7-9*

## **Chapter 6**

### **The Horrors of Destruction**

In a lecture to secondary students of religion, while planning a reference to the covenant curses of Deut.28:15-68, I debated quoting the text in detail. The vivid images seemed too horrible to present to minors despite their doubtless familiarity with media brutality. Who is this God who can threaten such things? This description of YHWH's threats reveals not just threatening violence, not even cruel violence, but what demands to be called sadistic violence. Such gruesome images often drive readers to either dispassionate objectivity that refuses engagement or fiery condemnation of this threatening God.

In this chapter, I hope to avoid these poles while seeking a frank understanding of the text. I will not advocate either condemnation or worship of YHWH, nor will I solve the problems raised by the curses, but I do aim to clarify what YHWH threatens and the logic behind the threats. I first examine the text and then outline historical and canonical background material that is important for understanding it. Finally, I consider the theology of the curses in juxtaposition with modern analogies. My primary point is that the imposition of a religio-political will by force on a resistant people, whether by YHWH or the modern state, easily escalates into tragic human destruction.

## 6.1 DEUTERONOMY 28: THE COVENANT CURSES

Unlike pronouncements of curses and blessings that are enacted by the act of speaking (e.g. Noah and his sons [Gen.9:25-27], Jacob and Esau [Gen.27], Jacob's sons [Gen.49], and Joseph's sons [Gen.48:8-22]), those of Deut.28 are *prospective* in the canonical presentation.<sup>1</sup> They present two possible futures to Israel. The difference is extreme: loyal obedience brings full, secure life while disloyalty brings death, destruction, and tremendous horror.

### 6.1.1 CONTEXT, GENRE, BOUNDS, UNITY, AND STRUCTURE

Deuteronomy 28 concludes the second and longest of Moses' three speeches (4:44-28:68). This speech begins with the decalogue (Deut.5), the *shema* (Deut.6), and a series of sermons (Deut.7-11). The legal corpus is detailed in Deut.12-26. After presenting the ceremony for inscribing the law on Mount Ebal (27:1-10), followed by the Levites' proclamation that lawbreakers are cursed (27:11-26), Deut.28 details the blessings and curses that are prepared for loyal or disloyal Israel.

ANE treaties provide an important context for understanding the genre of Deut.28.<sup>2</sup> Many of these treaties contain curses to be suffered by parties who default in their obligations. The older (second millennium B.C.E.) Hittite treaties contain only brief, general curses, such as: "should Duppi-Tessub not honor these words of the treaty and oath, may these gods of the oath destroy Duppi-Tessub together with his person, his wife, his son, his grandson, his house, his land and together with everything that he owns."<sup>3</sup> A few of these treaties contain more detailed, but still relatively short, curses.<sup>4</sup> The curses of the later 9<sup>th</sup> to 7<sup>th</sup> century B.C.E. treaties are more comparable with Deut.28 because of their similar detail and vividness. All of these more recent treaties are related to the Assyrian empire. Many of the curses of Deut.28 bear generic, thematic, and even wording similarities to these treaty curses.<sup>5</sup>

Several issues affect the choice of the bounds for the text. I include the blessings along with the curses since the curses largely reverse the blessings. I exclude the curses of 27:15-26 since they display a strong form critical difference from Deut.28. They are imbedded within a distinct ceremony in the land and are spoken by the Levites while Deut.28 is spoken directly by Moses. Furthermore, while the key word "cursed" (אָרֻר) appears in both passages, the focus of Deut.27 is *who* is cursed rather than the curse

<sup>1</sup> Miller, *Deuteronomy*, 127-8.

<sup>2</sup> Cf. §2.2.1.

<sup>3</sup> ANET, 205c.

<sup>4</sup> Hillers, *Treaty-Curses*, 8.

<sup>5</sup> For a list of the most relevant ANE documents, cf. Hillers, *Treaty-Curses*, 10-1.

itself, which is the interest of this chapter. There is considerable debate over whether 28:69 [Eng.29:1] is the conclusion of Moses' second speech or the introduction to his third speech.<sup>6</sup> While this verse is important for determining the relationship between the two speeches, it is not significant for interpreting Deut.28 itself. Note that Deut.30 continues the story beyond the curses, offering hope of restoration; however Deut.28 as a literary unit ends with Israel's destruction. Thus, the extent of my text is 28:1-68.

Deuteronomy 28 is complex, with little agreement among commentators on its structure and logic. This complexity leads many critics to search for evidence of a compositional history that begins with a shorter and more organized text that was later expanded, leading to a loss of apparent structure. Von Rad, for example, noting the curses are much longer than the blessings, suggests that the curses have been extended over time.<sup>7</sup> The formal symmetry between the blessing and curse poems<sup>8</sup> (vv. 3-6, 16-19) suggests such symmetries may reveal the original form of the passage.<sup>9</sup> Von Rad also notes a formal conclusion in vv.45-46 and another new introduction in v.58.<sup>10</sup>

While these structural observations aid the interpretation of the canonical text, Hillers observes that the elements suggesting redactional additions to Deut.28 (e.g. the imbalance between blessings and curses, the several conclusions and introductions, the later references to a "book," shifts between singular and plural verbs, different styles of curses, and the lack of a progression of ideas) are all present in ANE treaty curses. This suggests that Deut.28 may be taken as being as coherent as the parallel documents.<sup>11</sup> The rhetorical strategy depends more upon a relentless accumulation of curses than a logical and progressive argument. For example, the genre permits widespread death followed by horrible life. This is no contradiction since the curses are a thematic catalog rather than a chronology.

Despite the difficulty of discerning a detailed structure, the broad divisions are clear. The first section (vv.1-14) considers the case of obedient Israel and recites the fullness of life she will then enjoy. This section is framed by an *inclusio* recounting the condition for blessing (vv.1-2, 13b-14). The blessed life is presented by a poem of blessing (vv.3-6) and a series of promises (vv.7-13a). Following Tigay, I differentiate

<sup>6</sup> Cf. Nelson, *Deuteronomy*, 338-9.

<sup>7</sup> Von Rad, *Deuteronomy*, 173.

<sup>8</sup> I use the term "poem" to characterize the units vv.3-6 and 16-19 since both display characteristics of repetition commonly associated with biblical poetry although they are more narrativel than much biblical poetry.

<sup>9</sup> Von Rad, *Deuteronomy*, 175.

<sup>10</sup> Von Rad, *Deuteronomy*, 174, 176.

<sup>11</sup> Hillers, *Treaty-Curses*, 30-5. A conclusion of comparable coherence neither affirms nor denies theories of complex compositional history behind any of these texts. In particular, some discern perspectival differences between vv.1-46 and vv.47-68, seeing the latter as assuming the curses will happen (cf. n.48 below; Nelson, *Deuteronomy*, 332; Mayes, *Deuteronomy*, 349, 356).

between the blessings (vv.1-6) and promises (vv.7-13a) and the curses (vv.16-19) and threats (vv.20-68). While I still often group them together as “blessings and curses,” the units that use the actual word “blessed” (ברוך) and “cursed” (ארור) are sufficiently different to warrant a different label at times.<sup>12</sup>

The second section (vv.15-68) considers the case where Israel is disobedient. Its internal structure is debatable. Formally, there is a curse poem (vv.16-19) that corresponds to the blessing poem (vv.3-6). The blessings *inclusio* has a counterpart surrounding a major block of curses in vv.15, 45b. This formal marker, along with the overall concluding tone of vv.45-46, suggests that the threats of vv.20-46 be taken as a unit. A second block of threats (vv.47-57) focuses on an external enemy. A third block begins with the אִם condition of v.58 and continues to the end of the chapter, ending ominously with the last threat rather than recalling the condition of obedience.

Within the blocks of promises and threats, I separate single elements by the formal marker of an independent imperfect verb (or *waw* plus perfect; e.g. vv.11, 13) with YHWH as the subject. Thus, each element begins with YHWH doing something. This rhythmic marker is used consistently in the promises of vv.7-13a. It also appears consistently in the first block of threats (vv.20-46) except for the stylistically distinct futility curses of vv.30-34, 38-44 and the conclusion of vv.45-46. The marker is less common in the second and third block of threats where the threats are fewer but more detailed, approaching mini-narratives. I note further structural details as they are encountered in the exegesis.

## 6.1.2 EXEGESIS: BLESSINGS AND PROMISES (28:1-14)

### 6.1.2.1 Introduction (vv.1-2)

The chapter connects Israel’s action to a result, literally reading, “Now it shall be, if...” (וְהָיָה אִם, v.1). The result depends on the condition, which is not simply hearing the voice of YHWH (שָׁמַע...בְּקוֹל) but obeying it (שָׁמַע...בְּקוֹל).<sup>13</sup> The infinitive absolute intensifies the requirement (שָׁמוּעַ תִּשְׁמָע). The addition of “your God” (אֱלֹהֶיךָ) clarifies the relational connection between the deity and his people. Obedience to YHWH’s voice entails being careful to do (לִשְׁמֹר לַעֲשׂוֹת) all his commandments. The temporal marker “today” moves the condition into the present for every audience, whether the Moab generation, Josianic Israelites, despondent exiles, or later communities of faith. “These teachings are being laid upon hearer and reader ‘right now,’ whenever that ‘today’ is. The audience receives all the authority of the text as ancient Mosaic

<sup>12</sup> Tigay, *Deuteronomy*, 489.

<sup>13</sup> Cf. ch.4 n.29.

promulgation of the divine word, and at the same time it has all the contemporary force of a word commanded ‘today.’”<sup>14</sup>

The result of obedience is summarized with two statements. First, YHWH says he will place Israel above all other nations (v.1).<sup>15</sup> Israel’s superiority is not for boasting but for security. International competition persistently threatens every people because the powerful can oppress the weak. Such external pressure appears at critical junctures in Israel’s traditional history, both earlier in the canonical presentation (Egypt at the exodus) and later (the Canaanites at the conquest and Assyria and Babylon in the late monarchy and exile). Obedient Israel will be subject to no other nation, a resounding theme throughout the chapter.

The second summary statement presents vivified blessings taking over the active role from YHWH. All of these blessings will come upon (בוא) and overtake (נשג; *hiphil*) Israel (v.2). She will be unable to escape her blessings’ pursuit. The subsequent enumeration of the blessings fills out this general statement.

The introduction closes with a shortened repetition of the opening condition.<sup>16</sup> Everything depends on Israel obeying YHWH her God (כי תשמע בקול יהוה אלהיך) (v.2). But does this mean every Israelite must obey every commandment at all times? Technical invariance from the commandments is probably not in view based on Israel’s survival through previous failures. But neither does the wording encourage an exploration of YHWH’s tolerance.

#### 6.1.2.2 Blessings (vv.3-6)

These verses contain a poem of total blessing. Completeness is emphasized through merism that opens and closes the poem.<sup>17</sup> The first indicates blessing in all space: “Blessed (ברוך) shall you be in the city, and blessed shall you be in the field” (v.3). The second indicates blessing in all activities: “Blessed shall you be when you come in, and blessed shall you be when you go out” (v.6). This last blessing, “when you go out (וצא),” could be idiomatic for going out to war, as in vv.7, 25. Though war is probably not the focus of v.6, the openness of meaning is useful for holding the chapter together. Blessing in warfare would be a natural consequence of being above the other nations (v.1).

<sup>14</sup> Miller, *Deuteronomy*, 197.

<sup>15</sup> A similar condition and result occurs in 15:5-6 (cf. 28:12b-13a).

<sup>16</sup> Instead of a repetition, this clause could be interpreted as justifying the blessings on obedient Israel if the shift from א in v.1 to כ in v.2 is granted significance. כ is then read with its most common meaning: “for you obeyed the LORD your God.” Note that the verb form is difficult in this case, for the imperfect implies Israel’s blessings will result from obedience in the future from the perspective of Deuteronomy’s canonical story but in the past from the perspective of blessed Israel.

<sup>17</sup> Merism is the literary technique of expressing totality through two polar opposites.

A litany of fruitfulness lies between these opening and closing tropes. Everything in Israel will be fruitful: the human womb (בטן), the ground (ארמה), and the livestock (בהמה).<sup>18</sup> The blessed basket (טנא) represents the fruitful harvest<sup>19</sup> and the blessed kneading bowl (משארה) represents the resulting abundance of food. Agricultural production is blessed from harvest to the finished product of bread.

The lack of external threats is not mentioned explicitly, which seems surprising from the summary statement in v.1. However, security is present implicitly, for this blessedness depends not just on Israel's productivity but also on the inability of others to take her abundance. As the threats will reveal, Israel's enemies can destroy her cities and fields along with the fruit of her womb, ground, and herds. The poem elides the threats that have been eliminated in order for Israel to be blessed. While other threats such as drought, pestilence, and disease make brief appearances later in the chapter, the threat of other nations will remain prominent.

The passive verbs of these blessings (and the parallel curses in vv.16-19), do not by themselves indicate the absence of YHWH's active role, despite the popularity of such claims. For example, Brueggemann writes, "Such grammar affirms that there are 'spheres of destiny' created by acts of obedience, so that the blessing is a guaranteed and 'natural' outcome and consequence of the action of Israel."<sup>20</sup> YHWH's explicit actions in both the promises and threats, with no indication of a mechanism of natural consequence, suggest that these verbs are divine passives.

### 6.1.2.3 Promises (vv.7-13a)

This passage contains six statements with YHWH as the subject of a promissory verb.<sup>21</sup> YHWH's first promise (v.7) dismisses the threat of Israel's enemies (איבך). "The ones standing against you" (הקמים עליך) are identified with "the ones smitten before you" (נגפים לפניך). They will march against Israel in unity (בדרך אחד יצאו אליך, lit. "on one way they shall come out against you") but be routed in disorganized confusion (ובשבעה דרכים ינוסו לפניך, lit. "but on seven ways they shall flee before you").

YHWH's second promise (v.8) concerns Israel's agricultural prosperity. This blessing will spill over into every place where she sends forth her hand.<sup>22</sup> Israel will be

<sup>18</sup> The phrase "and the fruit of your livestock" (ופרי בהמתך) is missing from LXX, as it is from the parallel curse in v.18. *BHS* suggests this is a result of *homoioteleuton*. The blessing language of fruitfulness here is similar to that of 7:13.

<sup>19</sup> Cf. the only appearances of this word outside this chapter are 26:2, 4 where the basket carries the produce for the first fruits offering.

<sup>20</sup> Brueggemann, *Deuteronomy*, 256. He bases his analysis on Koch (cf. §1.1.1).

<sup>21</sup> For a chiasmic interpretation of the promises as reflecting the blessings of vv.1-6, cf. Tigay, *Deuteronomy*, 490-1.

<sup>22</sup> This phrase, rendered "in all you undertake" by the NRSV, occurs only in Deuteronomy, appearing six times (12:7, 18; 15:10; 23:21[Eng.20]; 28:8, 20).

blessed in the land YHWH her God is giving her, which is no mere geographical place but the place of prosperity.

YHWH's third promise (vv.9-10) is that he will establish Israel as his own (יְקִימֶךָ יְהוָה לִי), by which he means that she will be a holy people (לְעַם קְדוֹשׁ). YHWH has taken an oath to do this (כַּאֲשֶׁר נִשְׁבַּע־לְךָ). YHWH's oath, normally referring to the patriarchs (e.g. 1:8, 35; 4:31; 6:10, 18, 23; etc.), here refers to the generation of "today" (cf. v.1). The importance of this promise is further emphasized by explicit conditioning on Israel's observance of the commandments (כִּי תִשְׁמֵר אֶת־מִצְוֹת יְהוָה אֱלֹהֶיךָ) and walking in his ways (וְהִלַּכְתָּ בְּדַרְכָיו). Israel's identity as YHWH's holy people depends on both YHWH's prior oath and her continued obedience. When Israel's neighbors observe YHWH's connection to Israel, they will fear her (v.10). Conversely, Israel aligned with YHWH need not fear anyone. The unusual phrase, Israel being "called by the name of the LORD" (שֵׁם יְהוָה נִקְרָא עֲלֶיךָ), lit. "the name of YHWH [is] called over you"), occurs only here in Deuteronomy. McConville notes the similarity to Isa.4:1, "where destitute women implore a man to allow them to take his name."<sup>23</sup> The appeal is not for material support—the women offer to provide their own food and clothing—but to take away their reproach. Identification with a powerful name provides public standing, which provides protection.<sup>24</sup>

YHWH's fourth promise (v.11) is that Israel will experience an overflow of good things (וְהִוְתָרְךָ יְהוָה לְטוֹבָה). These good things echo the fruitfulness of the blessing in v.4: fruitful womb (בְּטֵן), livestock (בְּהֵמָה), and land (אֲדָמָה). As in v.8, this prosperity is tied explicitly to the promised land.

YHWH's fifth promise (v.12) is for the seasonal rain that is both necessary for prosperity and so completely out of anyone's control. The second half of the verse emphasizes that Israel's prosperity will surpass other nations': Israel will loan (לוֹהַ, *hiphil*) to many nations while borrowing from none.

YHWH's sixth promise (v.13a) provides a double contrast between blessed Israel and ordinary nations. Israel will be the head (רֵאשׁ), not the tail (זֵנֵב), the top (מֵעֵלָה), not the bottom (מִטָּה). As is common in these promises, YHWH places Israel at a distinct advantage over other peoples. Her prosperity under his care is both absolute (i.e. sufficient for good life) and relative (i.e. beyond that of others).

<sup>23</sup> McConville, *Deuteronomy*, 404.

<sup>24</sup> Mayes points out the similarity with 2Sam.12:28 where the calling of Joab's name over a conquered city legally marks it as his (Mayes, *Deuteronomy*, 353).

#### 6.1.2.4 Conclusion (vv. 13b-14)

Verse 13b could be understood either as a conditional stipulation on the last promise (v.13a), or more likely as an *inclusio* with vv.1-2 around the entire section of blessings and promises. Though lacking the key word *בְּקוֹל*, like vv.1-2 it focuses on the key verb of obedience, *שָׁמַע*, along with the nature of that obedience in keeping (*שָׁמַר*) and doing (*עָשָׂה*) the commandments. It renews the stress on “today” (v.14; cf. v.1). The choice of obedience remains in the present—this is no history lesson for the text’s audience.

Verse 14 illuminates the demanded obedience by negation. What does it mean for Israel to disobey? Israel’s turning (*סוּר*) from the commandments means “following other gods to serve them” (*לְלַכְתּוֹת אֱלֹהִים אֲחֵרִים לְעַבְדָּם*). As elsewhere in Deuteronomy, the linchpin of the commandments is the first one: “You shall have no other gods (*אֱלֹהִים אֲחֵרִים*) before me.”<sup>25</sup>

In summary, YHWH promises blessings upon Israel if she is obedient. This blessedness entails prosperity and security in all of life. It is integrally connected first, to the land that YHWH has promised to her and second, to her superiority over other nations so that they are unable to threaten her. Note that this superiority is not connected with an Israelite empire over other nations. Finally, her blessedness is intimately tied to YHWH; disobedience is characterized by Israel serving other gods.

### 6.1.3 EXEGESIS: CURSES AND THREATS (28:15-68)

#### 6.1.3.1 Introduction (v.15)

The curses and threats are introduced (v.15) with an inversion of the introduction to the blessings and promises (cf. vv.1-2). Obedience brings blessings; disobedience brings curses. The apodosis is shortened compared with that of the blessings (vv.1b-2), having no counterpart to the setting of Israel above all of the nations of the land. There is no closing clause of an *inclusio* (cf. v.2b), though this seems to appear in v.45b. The “curse” (*קָלְלָהּ*) here is the opposite of blessing: harm, calamity, misfortune, and disaster.<sup>26</sup> The covenant curses can be summarized as “defeat, disease, desolation, deprivation, deportation, and death.”<sup>27</sup> Disobedience to the commands of YHWH will result in Israel’s life being filled with disasters.

<sup>25</sup> Cf. §2.3.1.

<sup>26</sup> Herbert Chanan Brichto, *The Problem of “Curse” in the Hebrew Bible* (JBLMS 13; Philadelphia: SBL, 1963), 183, 199.

<sup>27</sup> Douglas Stuart, “Curse,” *ABD*, 1:1218.

### 6.1.3.2 Curses (vv.16-19)

The curse poem (vv.16-19) is nearly a verbatim repetition of the blessing poem (vv.3-6), but with the blessing replaced by a curse. The two exceptions to perfect repetition are the omission of the phrase “and the fruit of your livestock” (וּפְרֵי בַהֲמַתְךָ) (cf. v.4) in the MT<sup>28</sup> and the reversal of the fruit curses (v.18) and the food curses (v.17).<sup>29</sup> Despite these slight differences, the obvious meaning is the transformation of total blessing into total curse if Israel is disobedient. The basic meaning of “cursed” (אָרַר) is for the one to be covered with misfortune;<sup>30</sup> cursed Israel will fail in all of the basic areas of life. Israel’s fate depends upon her willingness to heed the voice of YHWH. The forthcoming three blocks of threats pile all-encompassing sufferings upon disobedient Israel. The writer applies a macabre imagination and knowledge of traditional curse materials to articulating the terrors YHWH prepares for Israel.

### 6.1.3.3 First Block of Threats (vv.20-46)

The first block of threats (vv.20-46) consists of several identifiable sections. Seven threats from YHWH (vv.20-29) are followed by a series of futility curses (vv.30-34), two more threats from YHWH (vv.35-37), another series of futility curses (vv.38-44), and a conclusion (vv.45-46). Tigay notes a chiasmic structure in vv.23-42 with the futility curses of vv.30-33a forming the center point.<sup>31</sup>

YHWH threatens not only Israel’s contentment, but her very existence. In YHWH’s first threat, he sends three evils, each marked by the definite article.<sup>32</sup> The curse (הַמְאָרָה) connects the specific threats that follow to the curse poem of vv.16-19. The panic (הַמְהוּמָה) refers to a disabling confusion that accompanies (or anticipates) disaster, oftentimes in battle.<sup>33</sup> This curse reverses the panic that debilitated Israel’s enemies when they were under the ban, חָרַם (7:23; cf. 7:2). The third evil, the frustration (הַמְנַעֲרָת) is a *hapax legomenon* derived from נָעַר, “rebuke,” which denotes turning something or someone back. In context, the frustrations probably include the futility curses where Israel’s efforts produce nothing (cf. vv.30-34, 38-44). This total

<sup>28</sup> BHS notes that this phrase is added in one Hebrew manuscript. Note also that the parallel phrase in v.4 is omitted in LXX (cf. n.18 above).

<sup>29</sup> “There is no obvious reason for this; Hoffmann explains it by citing a midrash based on the experience of Job: ‘The Merciful One does not strike living things first’ (Lev. R. 17:4)” (Tigay, *Deuteronomy*, 396 n. 23).

<sup>30</sup> Brichto, *Curse*, 77. Beyond a general curse, Brichto detects a more specific nuance of אָרַר as meaning being under a spell that binds the cursed so that the good things of life are barred from him (Brichto, *Curse*, 114-5). Cf. also C.A. Keller, “אָרַר, אָרַר, אָרַר, to curse,” *TLOT*, 1:179-82.

<sup>31</sup> Tigay, *Deuteronomy*, 491.

<sup>32</sup> The article likely indicates a generic class, folding into the term a number (or all) of the members of the class (cf. GKC, §126m).

<sup>33</sup> “The underlying root *hum* (a variant of the more common *h-m-m*) refers to noise.... It is used in reference to war, to confusion that can cause soldiers to kill their comrades, to the pandemonium caused by a raging pestilence, and to social disorder” (Tigay, *Deuteronomy*, 90).

curse will continue until she is destroyed (עַד הַשְׁמֹדֶךְ וְעַד־אֲבֵדֶךָ). The reason for this overwhelming threat is then given: “on account of the evil of your deeds” (מִפְּנֵי רָע) (מעַלְלֶיךָ), and more specifically, “because you have forsaken me (עֲזַבְתָּנִי).”<sup>34</sup> As in v.14, infidelity to YHWH is Israel’s primary offense.

YHWH’s second threat (v.21) is pestilence (דָּבַר), which he will cause to cling (דָּבַק) to Israel until it puts an end to her (עַד כְּלָתוֹ אֶתְךָ). Interestingly, death is not the end in view, but removal from the land (מֵעַל הָאֲרָמָה). As with many of the threats, curse involves removal from the land of blessing.

YHWH’s third threat (vv.22-23) consists of striking Israel with no fewer than seven evils. The first three, consumption, fever, and inflammation (בְּשַׁחֲפַת וּבִקְדָחַת) (וּבִדְלִקָּתָהּ) are rare words that presumably refer to bodily diseases. The next two evils, translated “with fiery heat and drought” (וּבַחֲרָר וּבַחֶרֶב) by the NRSV, could be used in reference to either human ailment or destruction of vegetation.<sup>35</sup> The ambiguity of evils continues with the final two of the seven: שֹׁדֶפֶן and יֶרְקוֹן are translated as “blight” and “mildew” by the NRSV, but can also refer to human illness.<sup>36</sup> Regardless of the exact meaning of these evils, their result is clear: they shall chase (רָדְף) Israel until she perishes (עַד אֲבֵדֶךָ, v.22b). Verse 23 does not mention YHWH, but shifts into a passive form. Israel’s heavens shall be bronze and her land shall be iron.<sup>37</sup> This vivid image of drought lends some support to the idea that the threats of v.22 should be seen as destroying crops rather than people.

YHWH’s fourth threat (v.24) continues the drought theme, with Israel’s rain turning into dust until she is destroyed (עַד הַשְׁמֹדֶךְ).

YHWH’s fifth threat (v. 25) is to cause Israel’s defeat before her enemies. The threat of going out to war in disciplined order and fleeing in disarray is the exact reversal of the promise of v.7. Instead of Israel’s strength inspiring fear in other nations, her terrible military loss will inspire the sobering horror of how terribly she has fallen, becoming an object of trembling (זָעוּדָה) for them. Observers will see Israel’s rotting corpses being eaten by animals (v.26). The humiliation of unburied corpses goes beyond

<sup>34</sup> The first person is used unexpectedly to refer to YHWH here, blurring the distinction between Moses’ words and YHWH’s. LXX uses the more consistent third person. This blurring also occurs in 7:4; 11:14-15; 17:3, 28; 29:4-5 (Eng.5-6), where LXX often “corrects” the first person of the MT.

<sup>35</sup> “Drought” results from re-pointing the MT הָרֶבֶב (“sword”) to be הָרֶבֶב. This emendation, which follows Vulg. and Saadia (Tigay, *Deuteronomy*, 262), fits the context better since no external enemy is in view.

<sup>36</sup> Tigay, *Deuteronomy*, 262-3.

<sup>37</sup> A similar image appears in Lev.26:19 and is strikingly similar to a passage from the Assyrian curses of VTE: “May all the gods...turn your soil into iron, so that no one may cut a furrow in it. Just as rain does not fall from a copper sky, so may there come neither rain nor dew upon your fields and meadows, but let it rain burning coals in your land instead of dew” (VTE ll.526ff. [ANET, 539c]).

even the horror of slaughter.<sup>38</sup> The shape of this promise/threat reversal is interesting in that it does not support aggression by Israel. The reversal of Israel being dominated by her enemies is not Israel's domination of other nations. Obedient Israel does not command an empire, but is protected against being dominated.

YHWH's sixth threat (v.27) concerns human diseases that are difficult to define precisely. As no one helps the afflicted in the previous verse, healers cannot help here: "you cannot be healed" (לֹא־תִכּוּל לְהִרְפּוֹא).

YHWH's seventh threat (v. 28) is that he will strike Israel "with madness, blindness and confusion of mind" (יִכְכֵּה יְהוָה בְּשִׁנְעוֹן וּבַעֲוֹרוֹן וּבְחִמְהוֹן לְבָב). The second, blindness, may seem out of place between two mental disorders, but Tigay makes the reasonable suggestion that this may be a cognitive rather than physiological blindness, meaning "incomprehension, stupefaction, or disorientation."<sup>39</sup> Zech.12:4 co-locates these three terms to mean confusion in war.<sup>40</sup> Verse 29 expands on the blindness with a vivid image of a cursed one groping in noontday darkness. This condition results in failure rather than success (וְלֹא תִצְלִיחַ אַחֲדֵרְכֶיךָ) and in vulnerability to continual abuse and robbery (וְהָיִיתְךָ אֶךְ עֲשׂוּק וְגִזּוּל כָּל־הַיָּמִים). Vulnerability is then compounded by lack of assistance, for YHWH asserts that no one will be willing or able to help Israel (וְאִין מוֹשִׁיעַ). This lack of help continues the theme begun in vv.26, 27.

After these seven threats from YHWH, the form of the passage changes to a series of futility curses: six stylized reversals (vv.30-31) followed by a more developed image of abuse at a conqueror's hand (vv.32-34). This device is particularly effective after the description of rich blessings, because hope for good life is dashed by the curse of futility. In v.30, a fiancée is raped (*kethib*: שָׁנַל; softened by the *qere* to שָׁכַב, "lie down with"). A house is built but not enjoyed. A vineyard is planted but no fruit harvested. Military loss under YHWH's curse means the loss of these basic human joys to the victors.<sup>41</sup> In v.31, a husbandman loses everything to his enemies. The poignant futility is capped by his ox being slaughtered before his eyes while he is denied its meat. Again, there is no one to help (וְאִין לְךָ מוֹשִׁיעַ; cf. vv.26, 27, 29).

The stylized reversals now shift to a more extended narrative style (vv.32-34). Israel's sons and daughters will be given to another people (v.32). The pain of the scene is intensified with the clause "while you look on" (וְעֵינֶיךָ רְאוּת). Israel's powerlessness

<sup>38</sup> "The exposure of bodies was a humiliation that might be added to the horror of death itself, either in the death penalty (21:22-23) or in defeat in battle (1Sam.31:8-10; cf. VTE 425-427, the curse of Ninurta). It is not necessarily a strict sequel to v.25" (McConville, *Deuteronomy*, 405).

<sup>39</sup> Tigay, *Deuteronomy*, 264. He notes that the same root is used to refer to the survivors of the carnage in Jerusalem in 587 B.C.E. wandering blindly through the streets (Lam.4:14).

<sup>40</sup> Mayes, *Deuteronomy*, 355.

<sup>41</sup> Cf. Deut.20:5-7.

to resist is indicated by the idiomatic **ואין לאל ירך**.<sup>42</sup> Verse 33 indicates that she will be helpless under the cruelty of this alien people, losing her food and the product of her toil (**ויניע**), and living under crushing oppression as her only experience every day (**והיית רק**) (**עשוק ורצוץ כל-הימים**). Finally, verse 34 indicates this cruel oppression and futility will lead to madness.

YHWH's active threats return with the eighth threat (v.35) concerning "grievous boils" (**שחין רע**), which recall "the boils of Egypt" (**שחין מצרים**) of v.27. This time the bodily extent of the affliction is highlighted: "spreading from the soles of your feet to the top of your head." Special emphasis is placed on the fact that no one will be able to heal them (**לא-תוכל להרפא**). The return to the theme of bodily diseases interrupts the train of threats that involve a foreign enemy, probably in order to continue the chiasmic structure of this block of threats.<sup>43</sup>

YHWH's ninth threat (v.36) is of exile. It is Israel and her king "whom you set over you" (**אשר תקים עליך**) who will be exiled. Although Deuteronomy accepts the validity of Israel setting a king over herself, one "whom the LORD your God will choose" (**אשר יבחר יהוה אלהיך בו**, 17:15), no reference is made here to YHWH's choosing. There is an implicit warning that a king, thought to protect the nation, provides no protection against YHWH's threats.<sup>44</sup> The verse ends with a jeering twist: Israel will serve not her captors, but her captors' gods, who are nothing but wood and stone. The transition from the blessings to the curses in v.14 warned Israel not to choose to follow "other gods to serve them" (**אלהים אחרים לעבדם**, v.14), but here YHWH's threat is that she will be forced to "serve [there] other gods, of wood and stone" (**ועבדה**) (**שם אלהים אחרים עץ ואבן**, v.36). Verse 37 describes Israel's pitiful exilic existence, warning that she will be observed by other peoples and become a byword. YHWH's active hand is explicit: he will lead—or drive—her there (**ינהגך יהוה שמדה**).

Futility curses resume in vv.38-44 with the quadruplet of vv.38-41 explicitly listing the effort, the empty result, and the reason for the futility. Israel will take many seeds out to the field, but gather little harvest because of locusts (v.38). She will plant and work her vineyard, but have neither wine nor grapes because of worms (v.39). Olive trees will be everywhere in her territory, but there will be no anointing with oil, for the olives will drop off (v.40). Worst of all, Israel will bear sons and daughters, but they will not remain with their parents, for they shall go into captivity (**ילכו בשבי**, v.41). The children going (**הלך**, *gal*) into captivity repeats the beginning of this threat

<sup>42</sup> Cf. Gen.31:29; Neh.5:5; Prov.3:27; Mic.2:1. On the obscure etymology of the idiom, cf. Tigay, *Deuteronomy*, 265.

<sup>43</sup> cf. n.31.

<sup>44</sup> On the dangers of monarchy, cf. §7.3.3.

section where Israel and her king will be sent (הִלֵּךְ, *hiphil*) into captivity (v.36). The final futility statement (v.42) has all of the trees and the fruit of the ground being taken by the cicada. Although these agricultural images sound like natural phenomena, it could well point to the effects of exile, with the locusts eating neglected fields, worms eating neglected grapes, and olive trees dropping their unharvested fruit.<sup>45</sup> This possibility seems more likely by the use of the verb יָרַשׁ for the action of the cicada, since “possess/dispossess” is used to describe the conquering of a people by an army. Since the object of the verb is elided, it is possible that Israel is ridiculed as being replaced in her land by insects.

The final futility curses (vv.43-44) do not have the expected form of activity protasis and frustration apodosis<sup>46</sup> like vv.30-34, 38-42, but carry a similar meaning. Israel will not prosper in her own land but the foreigner will. The promises of vv.12-13 are explicitly reversed. Disloyal Israel will find aliens rising above her (v.43a), while she descends lower and lower (v.43b). They will lend to her, not the reverse (v.44a). They shall be the head and she shall be the tail (v.44b).

Finally, after this excruciating series of curses and threats, the passage draws to a temporary rest. Verse 45 forms an *inclusio* with v.15 through a chiasmic and near-verbatim repetition of it. First, it repeats the general threat that all of these curses will come upon, pursue (an addition), and overtake Israel ( וּבָאוּ עֲלֶיךָ כָּל־הַקְּלָלוֹת הָאֵלֶּה ( וּרְדִפוּךָ וְהִשְׁנוּךָ ). Second, it repeats the condition that the curses will come if she disobeys YHWH her God and fails to keep his commandments.<sup>47</sup> Compared with v.15, there is also the addition of the extent of the curse: “until you are destroyed” ( עַד (הַשְׁמֹדֵךְ). The section closes in v.46 with an attestation to the permanence of the threatened curses: “They [the curses] will be among you and your descendants as a sign and a portent forever” (וְהָיוּ בְךָ לְאוֹת וּלְמוֹפֵת וּבְזֵרַעְךָ עַד־עוֹלָם). The continuing existence of Israel is implied here, which does not nullify the warnings of destruction, but it does imply a devastated existence rather than utter annihilation.

#### 6.1.3.4 Second Block of Threats (vv.47-57)

The second block of threats consists of an introduction (vv.47-48) and the threat of a siege with its desperate results (vv.49-57). In the introduction, YHWH’s threats are justified as a poetic reversal for Israel’s ingratitude.<sup>48</sup> When Israel had an abundance of

<sup>45</sup> Tigay, *Deuteronomy*, 267 suggests this for the case of the cicada.

<sup>46</sup> Hillers, *Treaty-Curses*, 28.

<sup>47</sup> Again, as in v.2, the conditional אִם has been replaced by כִּי in the concluding statement. See n.16 above.

<sup>48</sup> Mayes argues that vv.47ff. and v.45f. are different in kind from vv.1-44 because the verb tenses imply that Israel has already been disobedient (כִּי־לֹא שָׁמַעְתָּ בְּקוֹל, “because you did not obey,” v.45; תַּחַת אֲשֶׁר לֹא־עָבַדְתָּ, “because you did not serve,” v.47) (Mayes, *Deuteronomy*, 349, 356). However, in

everything (v.47)—it is implied that this is from YHWH’s hand—she did not serve (עבד) him “joyfully and gladly.” So Israel will have the opportunity of serving (עבד) her enemies in what they provide for her (v.48): “in hunger, in thirst, in nakedness, and in the lack of all things.” Her enemies are not ultimately responsible for her suffering, because these are the ones YHWH will send against her (איבד אשר ילחנו יהוה בך). Furthermore, YHWH (as the implied subject) “will put an iron yoke on your neck until he has destroyed you” (ונתן על ברזל על-צוארך עד השמידו<sup>49</sup> אתך). Israel’s squandered opportunity to serve a benevolent YHWH in a glad situation, leads to coerced servitude in an unhappy situation.

The threat then tells of the siege and its effects (vv.49-57). Verses 49-50 describe the attackers, whom YHWH sends. They come swiftly from far away. As Israel would not obey (שמע) the voice (בקול) of YHWH, she cannot understand (שמע) their speech (לשנו). They have grim (or “fierce”: עז) faces and refuse to lift their faces (לא-ישא פנים; an idiom for showing favor, cf. Gen 32:21 [Eng.20]) in favor to the elderly and to show grace (לא יחן) to the young. This nation is depicted as having more than a political difference with Israel, rather it has no desire to protect or preserve her population.

Verse 51 describes the attacking nation taking control of Israel’s countryside. She abandons her crops and livestock to the attackers and retreats within her fortifications. Her enemy eating the fruit of her livestock and ground reverses two of the three bounties of v.4. However, the third—the fruitfulness of Israel’s womb—is missing here, but will feature in Israel’s own cannibalistic eating in v.53.

Verse 52 describes Israel’s pitiful condition as she seeks protection within her walls. But these “high and fortified walls” (חמתיך הגבהות והבצרות) will come down. She has trusted fortifications over YHWH as she previously feared her enemies’ fortified walls rather than trusting (אמן, *hiphil*) YHWH (1:28, 32; cf. §7.5). She foolishly disobeys her benefactor and attempts to defend herself.

As Israel tries to wait out the siege, she grows hungry. The literary pace slows to dramatize the awful conditions within the walls (vv.53-57). As the enemy has eaten the fruit of Israel’s livestock and ground (v.51), Israel will consume the fruit of her own womb (ואכלת פרי-בטןך, v.53). As if the human tragedy were not enough, it is noted

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its present context, these clauses indicate the reasons for the curses from the point of view of those suffering. Cf. the different but related tense problem in v.2 (n.16 above), which Mayes also interprets as a late addition (p.352).

<sup>49</sup> MT anomalously points this *hiphil* infinitive construct with a *hireq* in the first syllable rather than the expected *patah*. McConville, *Deuteronomy*, 80 notes that the infinitive construct with *hireq* also occurs at 3:3; 7:24; Josh.11:14. Driver, *Deuteronomy*, 48, 105 discusses the possibilities of this being an error or a valid variant.

that the children she consumes were the gift of YHWH. As the horror of hunger intensifies people turn against each other in the struggle for food. The artistic prose paints a powerful picture. In v.54, “even the most refined and gentle<sup>50</sup> of men among you” (האיש הרך כך והענג מאד) will act evilly (רעע) towards his closest relations.<sup>51</sup> The verse ends on a haunting note, referring to “the remainder of his children who he leaves over” (וביתר בניו אשר יותר). Though the first use of יתר might refer to the children remaining from the enemy’s oppression, the refined man is the subject of the second use of the verb, indicating that he is responsible for the deaths of his other children. All becomes clear in v.55, where the man selfishly eats them and does not give any of their flesh to his family. Lest he be seen as impossibly immoral, his plight is emphasized: there is nothing else left for him (מבלי השאיר-לו כל) because of the enemy’s siege. This story is replicated in all of Israel’s towns.

Verses 56-57 relate a similar story of the most refined and gentle woman in Israel (הרכה כך והענגה; cf. v.54), the one “so gentle and refined that she does not venture to set the sole of her foot on the ground.” Her eye will be hostile (רעע) to the husband of her bosom, her son, and her daughter. This hostility is revealed in both selfish cannibalism and nearly pornographic eating of her afterbirth. She feeds herself in secrecy, reduced by her lack of any alternatives in the siege.

This second block of threats concludes with words that reiterate the cause of all this suffering: an enemy siege (v.57b).

### 6.1.3.5 Third Block of Threats (vv.58-68)

The third block of threats consists of an introduction (vv.58-61) and the threat of deportation (vv.62-68). The introduction repeats the basic condition of obedience and the general curse (vv.58-60). Verse 58 validates the written tradition of the law (אם-לא תשמר) (כל-דברי התורה הזאת הכתובים בספר הזה) the law and fear the glorious and fearsome name of YHWH her God (ליראה) (את-השם הנכבד והנורא הזה את יהוה אלהיך). In v.10, the divine name over Israel caused her enemies to fear. But now Israel must fear YHWH. Although “fear of YHWH” is not primarily an emotion (cf. n.60 in ch.2 above), within this context, there must be an element of terror. The glory and fearsomeness of YHWH’s name are matched by the awesome blows he prepares for his disobedient people (v.59). YHWH

<sup>50</sup> Cf. Isa.47:1 for the sense of this description, referring to the virgin Chaldean daughter when she sat on her throne before having to sit on the ground. The idea is one of softness and a lack of strength (cf. 2Sam.3:39).

<sup>51</sup> The NRSV translates רעע as “will begrudge food,” and though this is stated in the next verse, the idea of food is missing in v.54.

will deliver extraordinary blows that are both great and sure<sup>52</sup> (מכות גדלות ונאמנות). The extraordinary wonders (פלא) that YHWH performed against Egypt (cf. Exod.3:20) on Israel's behalf now turn against Israel. YHWH will bring back (שוב) "all of the diseases of Egypt" (כל־מרוה מצרים), v.60) upon Israel, likely referring to Egyptian oppression (cf. v.68).<sup>53</sup>

The introduction expands the curses even further (v.61): YHWH will wield "every other malady and affliction" (גם כל־חלי וכל־מכה), even those "not recorded in the book of this law," in order to destroy Israel (ער השמרך). Israel has no appeal. YHWH destroys without bound.

The specific threat in this third block is deportation. This reverses the gifts of both the land and Israel's numerous population. Israel will have but a few ( ונשארתי<sup>54</sup> ) of her people left, which is numerically how she began (cf. 26:5: "My ancestor; he went down into Egypt...few in number [במתי מעט]"), though she had been "as numerous as the stars in heaven" (ככוכבי השמים לרב; cf. 1:10; 10:22). Again, this devastating reversal results from her disobedience (cf. vv.15, 45b).

As harsh as these threats are, perhaps the revelation of YHWH's emotional response to Israel's suffering is even harsher: "And just as the LORD took delight ( שש ) in making you prosperous (להיטיב אתכם) and numerous ( ולהרבות ), so the LORD will take delight ( כן ישיש יהוה עליכם ) in bringing you to ruin (להאביד אתכם) and destruction ( ולהשמיר אתכם )" (v.63).<sup>55</sup>

In the second half of v.63, the theme of deportation is introduced with a dramatic reversal of Israel's impending invasion of the land from Moab: "You shall be plucked off the land that you are entering to possess." And what will YHWH do with his plucked people? He will scatter them across the world, among all of the peoples, where they shall serve other gods (ועבדת שם אלהים אחרים) of wood and stone (v.64). In v.36 Israel's attackers were unknown and here the attackers' gods, whom Israel will serve, are likewise unknown.

<sup>52</sup> Or possibly "long lasting," as rendered by most English translations (cf. Tigay, *Deuteronomy*, 272, 397 n. 96).

<sup>53</sup> Against this interpretation is the apparently literal meaning of disease in the reversed case of blessing in 7:15.

<sup>54</sup> There is a shift from second person singular to plural here, which continues through the following verse. The plural form is quite natural for discussing the many and the few of Israel, though it may also indicate a compositional history.

<sup>55</sup> The harshness of YHWH's joy challenges commentators. Tigay softens the interpretation of שוש to represent determination rather than joy (Tigay, *Deuteronomy*, 272). However, joy seems undeniable in most occurrences. Note particularly its use in the Psalter (19:6; 35:9; 40:17; 68:4; 70:5; 119:14, 162). Calvin interprets the first instance of שוש as true delight but the second as a metaphor for YHWH's necessary response in defending his law (John Calvin, *Commentaries on the Four Last Books of Moses. Arranged in the Form of a Harmony* [trans. Charles William Bingham; Edinburgh: Calvin Translation Society, 1854], 3:264).

The next three verses (vv.65-67) describe the terrible experience of the deportees. Their existence will be one of no rest, of “a trembling heart, failing eyes, and a languishing spirit”<sup>56</sup> (לֵב רֵנוּ וְכִלְיוֹן עֵינַיִם וְדַאבוֹן נַפֶּשׁ; v.65). The vanquished people of Israel will have no security, but their lives will be in doubt at all times; she will be in dread of what may happen next (v.66). YHWH’s afflictions and maladies are assured (אִמָּן, v.59) but Israel’s life will not. Verse 67 portrays each day’s horror inspiring hope for the next day, but those hopes will be dashed. This is despair.

The final threat is that YHWH will return Israel to Egypt,<sup>57</sup> reversing the exodus that founded her as YHWH’s people (cf. 5:6), a reversal that was not to be: “a journey I said you should never make again” (בְּדֶרֶךְ אֲשֶׁר אָמַרְתִּי לָךְ לֹא-תִסֵּף עוֹד לְרִאֲתָהּ); lit. “by a way that I promised<sup>58</sup> to you, you would not again see”; cf. 17:16). Upon arrival in Egypt, the people of Israel would offer themselves as slaves, presumably because of their abject poverty. But in a final indignity, Israel’s enemies will not purchase her.<sup>59</sup>

Von Rad summarizes the curses soberly: “Evidently Deuteronomy sees in these events something like a divine liquidation of the whole history of salvation brought about by Yahweh.”<sup>60</sup>

#### 6.1.3.6 Summary

The curses and threats of Deut.28:15-68 are lengthy and structurally complex but come in four basic categories.<sup>61</sup> First, there are the framing conditions and *general threats* to all aspects of life. These include vv.15-20, 45-47, 58-63.<sup>62</sup>

The second category of threat is *human disease*, which is only prominent in vv. 21-22, 27, though v.22 might refer to crop disease. The third category of threat is *agricultural failure*, appearing in the drought of vv.23-24 and the futility threats of vv.38-40, 42. The futility curse genre<sup>63</sup> is particularly appropriate for agricultural failure

<sup>56</sup> The latter two terms may mean “cried-out eyes” and “a dry throat” from grief or depression (Tigay, *Deuteronomy*, 273, 397 n. 101).

<sup>57</sup> The mode of transport back to Egypt, “in ships” (בְּאֵנִיֹּת), is odd. For possible interpretations, cf. Craigie, *Deuteronomy*, 352-3; Mayes, *Deuteronomy*, 358; Tigay, *Deuteronomy*, 273.

<sup>58</sup> Hebrew has no distinct word for promise, though YHWH speaking about the future has this sense. Although the sense of “promise” is usually rendered with רָבַר (e.g. 1:11; 6:3; etc.), since this is nearly direct speech, אָמַר is appropriate.

<sup>59</sup> Tigay suggests several other possibilities for Israel being rebuffed even as slaves: a glutted market because of their numbers, their poor physical condition, or Egyptian wariness because of their previous exodus (Tigay, *Deuteronomy*, 273-4).

<sup>60</sup> Von Rad, *Deuteronomy*, 176.

<sup>61</sup> As will become apparent, strict division of the verses into different categories of threat is artificial and flattens a rich text. However, the exercise is beneficial for grasping its major features.

<sup>62</sup> Though the curse poem (vv.16-19) contains specific threats, as a unit it threatens all aspects of life. Though vv.58-61 may refer to plague and disease (מִכָּה, הֶלֶל, and מִצְרִים), they may also mean blows and slaughter. Metaphorically, they refer to general suffering. Verses 62-63 indicate general reduction in population and prosperity.

<sup>63</sup> Hillers, *Treaty-Curses*, 28-9.

because of the considerable labor required and dependence on uncontrollable factors (e.g. adequate rain, lack of pests and disease) for a bountiful harvest.

The final category of threat is *defeat in war*. This threat clearly makes up 26 of 54 verses (vv.25-26, 30-37, 41, 48-57, 64-68). Several more verses might be added to this count. Verses 28-29 refer to madness (שגעון), blindness (עוררין), and confusion of mind (תמהוון לבב), which may seem to refer to mental and physical illness. However, the repetition of being driven mad (שנע, *pual*, v.34) in the context of being abused (עשק, v.33) by her enemies and the description of her blindness making her vulnerable to abuse (עשק, v.29) may imply that these mental disturbances are the result of defeat in war. Verses 43-44 refer to the alien (גר) rising above Israel and lending to her. This threat reverses the promise of blessing in vv.12-13. In the promise, Israel is lending to “many nations” (גוים רבים, v.12), demonstrating Israel’s notable prosperity and power relative to the nations around her. Thus, it seems reasonable to interpret the curse of the alien rising above Israel to be the inversion—Israel lacking power relative to other nations—which probably includes being defeated in war. So it appears that 30 verses apply to defeat in war, 15 to general threats and framing, 6 to agricultural failure, and 3 to disease. War appears most often and most devastatingly among the curses.

Finally, I re-emphasize three important undercurrents. First, YHWH is concerned with Israel’s loyalty to him. Following other gods or forsaking YHWH is the primary offense of concern (vv.14, 20) and being forced to serve other gods is Israel’s ironic destiny in the curses (vv.36, 64). Second, the center of YHWH’s threat against Israel is the destruction of her nation, with the main focus being removal from the land (vv.21, 63). Third, Deuteronomy’s Israel is warned against false ideas of power, for none of king, military might, economic prosperity, or physical health can withstand YHWH’s determination. The curses proclaim most dramatically the inadequacy of Israel’s power and the irresistibility of YHWH’s.

## 6.2 HISTORICAL AND CANONICAL CONSIDERATIONS

The interpretation of the covenant curses of Deut.28 is not straightforward. Even after detailed exegesis, important questions remain. In this section, I first recall the genre of the treaty curse list, its function in ANE treaties, and the relationship between Deut.28 and these background documents. I then consider the reality of ANE warfare and its resulting suffering, with particular focus on siege warfare, which will illuminate some of the interrelationships between the curses. Finally, I discuss the canonical witness to

the fulfillment of these curses, which reveals the way the canonical reader is guided by the subsequent testimony of the realization of YHWH's curses.

### 6.2.1 THE FUNCTION OF TREATY CURSE LISTS

The religio-political function of curse lists in ANE treaties was discussed in §2.2.1, but certain elements bear summarizing here. ANE treaty curses function by defining, encouraging, and coercing loyalty between treaty partners. The threatened curses blur the modern distinction between religion and politics by describing both human and super-human devastation, e.g. warfare and drought. However, in the ANE view, the gods command both armies and rain clouds. Military defeat, agricultural failure, and disease are all by divine action. However, human agency is also critical. These curses are inseparable. An offended treaty partner is both justified and obligated by the gods to inflict human punishment. Ashur assures Assyria of military success against rebellious vassals and commands their attack.<sup>64</sup>

While Deuteronomy's worldview is in important ways different from its ANE background, some elements remain common. Ashur is not the top god, but YHWH is. And YHWH likewise has strong views on how the people of his world should act, particularly his covenant people Israel. But unlike Ashur, YHWH does not rule his world through Israel's imperial dominance. Rather, he wields all nations of the world as his weapons. In Israel's view, it is not Ashur or any other national god that she should fear, but YHWH, who is willing and able to bring other nations against Israel.

The treaty curses are simultaneously literary hyperbole and concrete reality. Even if only select curses fall upon an offender historically, the threats cannot be trivialized. As I describe next, one prolonged siege is more than enough for anyone.

### 6.2.2 ANE SIEGE WARFARE

Since the curses of Deut.28 are dominated by images of warfare—and siege warfare in particular—it is helpful for the interpreter to consider the realities of ancient sieges in order to gain some appreciation for what ancient peoples may have realistically feared from an enemy threat.

Von Clausewitz defines war as “an act of violence intended to compel our opponent to fulfil our will.”<sup>65</sup> What happens when those who refuse to bend to the will of their attacker retreat into their fortified city? War fought around a fortified city is of a

<sup>64</sup> Oded, *War*, 93-4.

<sup>65</sup> Carl von Clausewitz, *On War* (ed. Louise Willmot; trans. J.J. Graham and F.N. Maude; Hertfordshire: Wordsworth, 1997), 5.

wholly different kind than that in a battlefield. The 4<sup>th</sup> century B.C.E. Greek military writer Aineias begins his book *How to Survive Under Siege* with this contrast:

When men leave their own territory to meet combat and danger beyond its borders, the survivors of any disaster which strikes them, on land or at sea, still have their native soil and state and fatherland between them and utter extinction. But when it is in defence of the fundamentals—shrines and fatherland and parents and children and so on—that the risks are to be run, the struggle is not the same, or even similar. A successful repulse of the enemy means safety, intimidated opponents, and the unlikelihood of attack in the future, whereas a poor showing in the face of the danger leaves no hope of salvation.<sup>66</sup>

The defenders in a siege fight a “total war,” a modern term for an entire society, including civilians and civilian infrastructure, being mobilized for the war effort.

Siege warfare is the particular type of struggle that occurs when the defenders protect themselves behind fortifications. When smaller kingdoms are threatened by powerful empires, seeking protection behind fortified walls provides their only chance for survival—open battle would be disastrous.<sup>67</sup> Kern notes that “siege warfare is older than civilization itself.”<sup>68</sup> Indeed, archaeologists have discovered massive fortifications at Jericho that date from around 7000 B.C.E.<sup>69</sup> Siege warfare continues into the modern era, including the sieges of Leningrad during World War II, of Sarajevo from 1992 to 1996—the longest in modern times—and of Fallujah, Iraq in 2004. Despite tremendous technical change, the basic problems—and horrors—of siege warfare for both attackers and defenders have remained largely the same.

For the attackers, there are five ways to conquer a fortified city. The first three involve penetrating the fortifications by going over, under, or through them. A fourth approach is to blockade the city until the pressures of confinement—lack of food and water, or loss of will—force surrender. Finally, some means of trickery can be used to gain entrance to the city.<sup>70</sup>

For the defenders, the basic responses to these attacks are obvious. Tall walls with defenders on top of them stop attackers from going over. Tunneling under the wall can be stopped by discovering the tunnel and either blocking it or defeating the confined attackers within it. Destruction of the walls or gates is slowed by making them strong, building redundant walls behind those under threat, and keeping the attackers away from the walls through projectile weapons (e.g. slings and bows) and obstacles such as

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<sup>66</sup> Aineias Tacticus, *Aineias the Tactician: How to Survive Under Siege* (Clarendon Ancient History Series; trans. David Whitehead; Oxford: Clarendon, 1990), preface 1-2.

<sup>67</sup> Yigael Yadin, *The Art of Warfare in Biblical Lands in the Light of Archaeological Discovery* (trans. M. Pearlman; London: Weidenfeld & Nicholson, 1963), 302, 313.

<sup>68</sup> Paul Bentley Kern, *Ancient Siege Warfare* (London: Souvenir, 2000), 9.

<sup>69</sup> Yadin, *Art*, 32-5.

<sup>70</sup> Cf. Yadin, *Art*, 16.

moats or secondary walls. Surviving a blockade depends upon stockpiling provisions, maintaining a viable water supply, rationing the stocks, and minimizing the population that consumes them. Avoiding a loss by trickery depends on careful evaluations of enemy actions and maintaining high morale and solidarity within the city to minimize treachery.

It may seem at first glance that the loss of a besieged city to a committed attacker is inevitable. This is not so. Besieging a city is tremendously costly—in both lives and money. In fact, the primary goal of fortifications is to discourage attackers from even trying. What is so difficult for the attacker? For one thing, the attackers are far from home, which makes maintaining supplies difficult and subjects the attackers to raids both from within the city and from nearby forces who are likely to be sympathetic with their neighbor's plight. Besieging armies often build their own walls or trenches both between themselves and the besieged city (circumvallation) and outside their own forces (contravallation) to protect against raids. The attackers are "besieged" within their own makeshift fortifications much like those within the city walls and they suffer the same problems of scarce food and water, poor hygiene, and disease. Cold weather sieges can be devastating to the relatively unprotected attackers in their encampments, suggesting to the defenders that holding out until winter may be enough for the attackers to give up.

Maintaining a siege also costs money. A large army is needed to guard a city. The hazards of a siege mean soldiers demand substantial pay. Since some empires desire the benefits of successful sieges but are uneasy with the costs, soldiers may have to forego pay—but with the promise of booty from the city upon success.

Because of the difficulty and cost of a protracted siege, the attacker hopes to force surrender quickly. The two quickest attacks are going over or breaking through the wall. Going over the wall requires climbing ladders while the defenders, with everything at stake, use slings and arrows, burning pitch, dropped stones, and so on to stop the attack. The attacker's casualties are so high that special awards have often been promised to the first successful soldier (e.g. 1Chr.11:6).

If the attacker chooses to go through the wall, tools are used to compromise its integrity. A battering ram consists of a pointed rod that is used to pry stones loose from the wall at a vulnerable point, causing a collapse. Such slow, tedious engineering work so close to the wall is vulnerable to the weapons of the defenders. Thus, besiegers have devised portable coverings for some measure of protection for those wielding the ram. A painting of such a technique exists from 20<sup>th</sup> century B.C.E. Egypt.<sup>71</sup> Since the city

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<sup>71</sup> Yadin, *Art*, 159.

gate is an inherent vulnerability in the fortifications, the wooden gates can be attacked with fire, impact, or prying the hinges loose. Of course, the defenders, aware of the gate's vulnerability, protect it from towers on either side of the gate, protected firing points inside the gate, confined approaches that expose the attackers, trenches within the gate with spikes in the bottom, and so on. Furthermore, as weak points of the wall are attacked, secondary walls are constructed behind them so that the attackers gain little by penetrating the original fortification.

Attacks going over or through the wall often require the construction of earthen ramps that provided suitable approaches. These ramps might be fifty or more meters wide to provide space for an adequate attacking force. The construction of such ramps could take months of earth-moving work under constant attack by the city's defenders with continual, heavy losses by the workers.

Tunneling under the wall provides natural protection for the attackers, but is a slow and difficult process. The tunnel must remain secret in order to protect against the defenders blocking, collapsing, or breaking into the tunnel with a counterattack (e.g. filling it with smoke and fire), or simply being prepared with a devastating defense when the tunnel is completed. Detecting a tunneling effort is straightforward if the earth removal can be observed or the digging sounds heard.

Because of the difficulty of defeating a city's fortifications, it is attractive to seek entrance to the city by trickery. There is no end to the possible ruses. The city is vulnerable to a single person opening the gate or informing the besiegers of a weakness in the fortifications. It is no surprise that Aeneias devotes a substantial portion of his book to the necessity of preventing such ruses from succeeding. History is replete with ingenious tricks for gaining access to a city, including Herodotus' story of Zopyrus who won Babylon for Darius of Persia after a nineteen month siege had been unsuccessful. He mutilated himself in the form of a typical Persian punishment, "defected" to Babylon, and was given some small authority in the army defending the city. By prior arrangement, Darius sacrificed 1,000 then 2,000 then 4,000 of his army to defeat at Zopyrus' hand, thus gaining him the Babylonians' confidence. Placed in charge of the gates, he let Darius' army into the city.<sup>72</sup> His story illustrates that the planned deaths of 7,000 troops as part of a risky ruse was a small loss compared with a long-suffered siege.

Given the difficulties of gaining access to a fortified city, the final strategy is to blockade the city and wait for it to starve. This technique is punishing for both sides if the city is prepared and both sides are willing to suffer for victory. Though waiting and

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<sup>72</sup> Kern, *Ancient*, 59-60.

fighting off raids is costly for the attackers, it is much more painful for the defenders if successful. As the defenders' suffering increases, there is always the hope that the attackers will lose their will or be called away to respond to another emergency, that disease will ravage their camp, that an ally will rescue the city, that the encamped soldiers will revolt at their difficult life, or that today's raid from the city will kill their leader. The fortified city bets that it can outlast the enemy and thus hang on to its existence. Maintaining civil order and unanimity of mind within the city becomes progressively harder as the starving poor—the poor always suffer first and worst—become desperate, sell themselves to the rich in exchange for something that resembles food, or otherwise decide that treacherously surrendering the city and risking the attacker's possible—though improbable—mercy is better than starving to death or cannibalizing their own children. As the private good (escaping the siege) outweighs the public good (defeating the attacker by stubborn persistence), the rulers of the city become progressively more ruthless in suppressing internal revolt.

It is in the interest of the defenders to have nonessential people leave the city. This leaves more food for those defending the city. Unfortunately, it is not in the interest of the attackers to permit such escape, since fewer mouths to feed means the city can survive longer. In the siege of Leningrad in World War II, escaping Russian civilians were forced back into the city by the German field marshal, where one million of the three million civilians in the city died. The German field marshal was tried as a war criminal at Nuremberg but was acquitted because his orders were in keeping with military tradition as a necessity for ending the siege.<sup>73</sup>

As the siege continues, the increasingly angry and wounded attackers grow more determined to exact revenge upon the defenders. So the defenders increasingly have more to lose by surrender because the attackers grow increasingly willing to rape, kill, and loot without restraint. The commanders of the attackers may even whip up such sentiment in order to keep up the morale of the warriors. In a progressive cycle, the siege grows more devastating as time goes on.

What happens, then, when a besieged city eventually falls? One might hope for a peaceful surrender. Unfortunately, the city's surrender is often only the beginning of the carnage. In ordinary military operations, commanders depend on discipline and control of their forces. However, the sack after a siege is a horrible exception. Indiscriminate massacre, looting, and rapine are the rule.<sup>74</sup> Julius Caesar would leave towns free if they

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<sup>73</sup> Kern, *Ancient*, 354.

<sup>74</sup> Cf. Michael Howard, "Temperamenta Belli: Can War Be Controlled?" in *Restraints on War: Studies in the Limitation of Armed Conflict* (ed. Michael Howard; Oxford: OUP, 1979), 3. One particularly notorious example is the Crusader sack of Jerusalem in 1099. For an introduction to the siege

would surrender before Roman battering rams were brought to bear against the walls. If a city resisted, he dealt harshly with them, indiscriminately killing men, women, and children.<sup>75</sup> Such rules of war have been observed over innumerable sieges. Kern notes that Israel's law of war against cities "very far from you" (Deut.20:10-15)—"forced labor for those who surrendered immediately, the killing of the men and enslavement of the women and children of those who resisted—were common standards of conduct for siege warfare throughout the ancient world."<sup>76</sup>

Why has this so often been done? On one hand, there is a legitimate (in modern terms) fight against active combatants, which means nearly every resident of a besieged city. In the total war of siege defense, every resident contributes. If attackers breach the wall, every citizen is a soldier who hopes to stem the invasion through bloody urban warfare. A more ethically-questionable reality is that the attacking soldiers, who may have been promised booty from the city in lieu of wages, are liable to begin a rampage for valuables—many of which may still be protected by their owners—that easily turns into a bloodbath. Furthermore, only extremely disciplined soldiers can avoid taking out their rage against a city's inhabitants at whose hands they have suffered deeply.

However, attackers often go far beyond uncontrollable warrior emotion. After a successful siege, it is far from unknown for the attackers systematically—and in cold-blood—to massacre, torture, mutilate, and deport or enslave the population.<sup>77</sup> Why is this? It is important to realize that sieges, like all warfare, are about control. In particular, empires use warfare to coerce or restore loyalty to the empire. If a city is willing to go so far as to resist the full military might of the empire by siege, restoration of that city's loyalty seems a remote possibility. The systematic terrorizing of a resisting enemy may then be aimed at both eliminating the possibility of future hostility (even if by killing the entire resisting population, or at least starkly impressing the futility of resistance through horrific public displays) and suppressing thoughts of disloyalty in other cities around the empire.

Deportation of defeated peoples is another important feature of ANE siege warfare. Perfected by the Assyrians beginning with Tiglath-pileser III and running through Ashurbanipal's reign, the documentary evidence leads to a statistical estimate that they would claim to have deported well over four million people.<sup>78</sup> Even if these

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and massacre, cf. J. Arthur McFall, "First Crusade: Siege of Jerusalem," *Military History* n.p. Cited 22 May 2007. Online: [http://www.historynet.com/wars\\_conflicts/ancient\\_medieval\\_wars/3028446.html](http://www.historynet.com/wars_conflicts/ancient_medieval_wars/3028446.html).

<sup>75</sup> Kern, *Ancient*, 329-30.

<sup>76</sup> Kern, *Ancient*, 64.

<sup>77</sup> Kern documents the treatment of captured cities in ancient siege warfare with brutal examples from Assyrian court records (Kern, *Ancient*, 69-70).

<sup>78</sup> Bustenay Oded, *Mass Deportations and Deportees in the Neo-Assyrian Empire* (Wiesbaden: Reichert, 1979), 19-21.

numbers are exaggerated, the point is that large scale deportations were well known in this period (and were not unknown in previous ages). Oded's study of the Assyrian deportations uncovers a number of objectives of these huge population movements, including punishment, weakening of rival powers, creation of dependent—and therefore loyal—minority groups, gaining conscripts, craftsmen, and laborers, and populating strategic sites and desolate regions.<sup>79</sup> Deportation was aimed at constructively enhancing the Assyrian empire.

In summary, siege warfare has long been one of the most terrible elements of war. Once a standoff begins between a skilled army and a fortified city, a terrible outcome for the residents of that city was—and continues to be—a frightfully real possibility.

### 6.2.3 FULFILLMENT OF THE COVENANT CURSES IN THE OT CANON

The range of possible interpretations of YHWH's threats in Deut.28 is narrowed when they are placed within the larger canonical context of the stories of the downfalls of Judah and Israel. According to the canonical testimony, YHWH both threatens and realizes his threats.

In this section, I focus again on siege warfare. Although drought, pestilence, and other curses are not unknown in her canonical history, it is YHWH's heavy hand in defeat before her enemies that plays the central role in his people's eventual loss of the land. In this section, I relate the canonical story to the above discussion of ANE siege warfare. Israel's experience of preparing for and suffering through sieges is not unlike that of other nations.

The OT relates Judah's efforts to build fortifications in order to withstand sieges.<sup>80</sup> Rehoboam built fifteen "cities for defense [lit. siege] in Judah" (ערים למצור) (ביהודה, 2Chr. 11:5; cf. vv.6-10). He prepared these cities with military leaders and supplies of food and armaments (vv. 11-12). King Asa is praised for building fortified cities in Judah (2Chr. 14:6). Asa's son Jehoshaphat continued his father's building of military defense (2Chr. 17:2-19): he deployed garrisons (נציבים, v.2) throughout Judah and warriors (אנשי מלחמה נבורי חיל, v. 13) in Jerusalem and built both fortresses (בירנית; v. 12) and store cities (ערי מסכנות, v. 12) in Judah. Later, Uzziah (2Chr. 26:9-15) strengthened Jerusalem with towers (מגדלים, v.9) equipped with projectile-firing machines (חשבנות מחשבת חושב להיות על-המגדלים ועל-הפנות לירוא בחצים)

<sup>79</sup> Oded, *Mass*, ch.4.

<sup>80</sup> The northern kingdom's preparations are little noted, but her resistance to siege implies she also built fortifications.

וּבְאֲבָנִים גִּדְּלוֹת (v.15), built fortifications for wilderness cisterns (v.10), and built a large and well-armed army (vv.11-14). Jotham and Manasseh are also described as extending and strengthening Judah's defenses (2Chr 27:3-4; 33:14).<sup>81</sup> Judah and (presumably) Israel are portrayed as willing to invest in fortifications to deter attackers and withstand eventual attacks.

Though the OT describes Israel and Judah besieging her foes (e.g. a joint Judah-Israel-Edom attack on Moab in 2Kgs.3:4-27), of most interest here are their attempts at defending against sieges. The stories are realistic in their portrayal of both sieges and the intrigue of ancient international politics in which both Israel and Judah participated.<sup>82</sup> The northern kingdom suffers terribly when the Arameans besiege Samaria (2Kgs.6:24-7:20), resulting in skyrocketing food costs (6:25) and cannibalism (6:26-29), but the city survives when the Arameans suddenly flee (7:5-7). The portrayal illustrates two common features of sieges: the poor abandoning the city to take their chances with the enemy (7:3-4) and the king's wariness about an enemy ruse to gain entrance (7:10-12). Some years later, the Arameans invade Judah and prepare to besiege Jerusalem (2Kgs.12:17-18). Rather than suffer through a siege as Samaria had, King Jehoash of Judah pays a large tribute to induce the Arameans to withdraw.

With the rise of the neo-Assyrian empire, the canonical history focuses on that threat. Menahem of Israel pays tribute to Pul of Assyria to convince him to leave Israel (2Kgs.15:19-20). But during the reign of Pekah, Tiglath-pileser III successfully invades Israel and begins to implement the famed Assyrian program of deportation of defeated peoples (2Kgs.15:29). When Pekah joins forces with Rezin of Aram to besiege Ahaz in Jerusalem, Ahaz is sufficiently frightened of the specter of a prolonged siege that he offers gifts to Tiglath-pileser III of Assyria to rescue Jerusalem, which he does (2Kgs.16:5-9).<sup>83</sup>

The next king of Israel, Hoshea, is confirmed as an Assyrian vassal under Shalmaneser V by paying tribute under threat of violence (2Kgs.17:3). But he eventually rebels by withholding tribute and trusting in Egypt to defend him against Assyria (2Kgs.17:4). Shalmaneser is not pleased with this treachery and besieges Samaria for three years (2Kgs.17:5). The duration of the siege testifies to Assyria's

<sup>81</sup> It is interesting that the Chronicler is more concerned with matters of fortification than the author(s) of Samuel/Kings. Note also that 1Chr.11:6 refers to Joab being the first to attack the Jebusites in their fortifications, which David rewards by making him chief and commander; the parallel account in 2Sam.5:8 has other concerns than this feature of siege warfare.

<sup>82</sup> It is notable that war historians such as Kern consider the OT accounts to be of considerable historical value: "[The Hebrews] left behind a historical source of unparalleled importance.... Indeed, the Bible contains descriptions of a wider variety of battles than any other ancient Near Eastern literature" (Kern, *Ancient*, 29).

<sup>83</sup> Cf. §7.4.2.5.

determination, the strength of Samaria's defenses, and the suffering that must have been endured there. The biblical historical books are silent about the details of the fall of Samaria, except to say that the Israelites are deported to places around the Assyrian empire (2Kgs.17:6) and other Assyrian deportees are brought into Israel to resettle there (2Kgs 17:24). The deportation program is successful in that the northern kingdom never returns to political independence.

Hezekiah, king of Judah, prospering in his reign, also has enough confidence to rebel against Assyria (2Kgs.18:7).<sup>84</sup> Sennacherib comes against Judah and captures many of the fortified cities (2Kgs.18:13).<sup>85</sup> During the Assyrian siege of Lachish, Hezekiah realizes his grave position and offers Sennacherib whatever he will impose (2Kgs.18:14-16). Despite Hezekiah sending rich gifts, Sennacherib threatens Jerusalem with a siege, with his servant warning that the residents are "doomed with [Hezekiah] to eat their own dung and to drink their own urine" (2Kgs.18:27). This warning, spoken so the city can hear, is both realistic and a sort of psychological warfare to encourage surrender without Sennacherib having to suffer through a siege himself. But even if the city surrenders, the Assyrian terms are that the residents be deported as part of the Assyrian program of empire-building (2Kgs.18:31-32). Though the fall of Lachish to Sennacherib is only implied in the biblical story (2Kgs.19:8), its fall is one of the best documented ancient sieges, with extant Assyrian textual records, archaeological remains, and an extensive set of Assyrian reliefs that tell the story in pictures.<sup>86</sup> Many elements of siege warfare discussed above were involved, including a fortified Assyrian camp, battering rams, ladders, slings, arrows, fortified walls and gates, siege ramps, the taking of booty and deportees, and gruesome impaled prisoners.

Babylon conquers Assyria and Egypt and becomes the new superpower. Judah becomes a vassal of Egypt, displeasing Babylon. Nebuchadnezzar of Babylon besieges Jerusalem to bring Judah back as his vassal (2Kgs.24:10). Jehoiachin of Judah capitulates and surrenders (2Kgs.24:11-12). As expected, since Jerusalem's surrender is only after the siege has begun, Nebuchadnezzar's terms of surrender are stiff: he takes Jehoiachin, his officials, warriors and skilled workers prisoner as rebels and takes the royal and temple treasures as booty. Nebuchadnezzar also sets up his own loyal puppet king, Zedekiah (2Kgs.24:12-17). But Zedekiah disappoints him by rebelling, which leads to an all-out siege of Jerusalem. As 2 Kings relates it,

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<sup>84</sup> Cf. §7.4.2.6.

<sup>85</sup> The Assyrian record credits both Shalmaneser and Sennacherib for the defeat of Samaria.

<sup>86</sup> David Ussishkin, *The Conquest of Lachish by Sennacherib* (Publications of the Institute of Archaeology 6; Tel Aviv: Tel Aviv University Publications, 1982), 11.

Zedekiah rebelled against the king of Babylon.... King Nebuchadnezzar of Babylon came with all his army against Jerusalem, and laid siege to it; they built siegeworks against it all around.... [T]he famine became so severe in the city that there was no food for the people of the land. (2Kgs.24:20-25:3)

Zedekiah cowardly makes a breach in the wall and tries (unsuccessfully) to escape (2Kgs.25:4-7). As Kern notes, “Failure after a determined resistance to a siege was always costly.”<sup>87</sup> Zedekiah watches his sons be slaughtered, has his own eyes gouged out, and is taken prisoner to Babylon (2Kgs.25:7). Then Nebuchadnezzar orders Jerusalem systematically destroyed: killing the leaders, burning the temple, the palace, and all of the houses, looting the valuables, destroying the city walls, and exiling the rest of the notable citizens, while leaving the poorest to work the soil (2Kgs.25:9-21). Thus ends Israel’s and Judah’s story of defending themselves against sieges.

The canon attributes Israel’s suffering at the hands of the Assyrians and Babylonians to the realization of YHWH’s covenant curses. These tragedies are described as occurring at YHWH’s hand. In 2 Kings, a list of the sins of the northern kingdom of Israel is followed by YHWH’s response: “So the LORD was very angry with Israel and removed them from his presence. Only the tribe of Judah was left” (2Kgs.17:18). After briefly recounting the successful Assyrian siege of Samaria, this explanation is given: “Because they did not obey the voice of the LORD their God (לא־שמעו בקול יהוה אלהיהם) but transgressed his covenant—all that Moses the servant of the LORD had commanded; they neither listened nor obeyed” (2Kgs.18:12). The echo of Deuteronomy’s condition for the curses is clear: “If you will not obey the LORD your God...” (אם־לא תשמע בקול יהוה אלהיך, 28:15). Similarly, the story of Nebuchadnezzar’s siege and sack of Jerusalem is introduced like this: Zedekiah “did what was evil in the sight of the LORD, just as Jehoiakim had done. Indeed, Jerusalem and Judah so angered the LORD that he expelled them from his presence. Zedekiah rebelled against the king of Babylon” (2Kgs.24:19-20).

Although the latter prophets are beyond the scope of this study, it is worth noting how clearly the prophets connect the Assyrian and Babylonian catastrophes to YHWH’s hand. For example, Isaiah records YHWH’s words: “Ah, Assyria, the rod of my anger—the club in their hands is my fury! Against a godless nation [i.e. Israel] I send him, and against the people of my wrath I command him, to take spoil and seize plunder, and to tread them down like the mire of the streets” (Isa.10:5-6). In the writings, Lamentations speaks of the Babylonian sack of Jerusalem with testimony and prayer:

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<sup>87</sup> Kern, *Ancient*, 45.

The LORD has done what he purposed, he has carried out his threat; as he ordained long ago, he has demolished without pity; he has made the enemy rejoice over you, and exalted the might of your foes.... Look, O LORD, and consider! To whom have you done this? Should women eat their offspring, the children they have borne? Should priest and prophet be killed in the sanctuary of the Lord? The young and the old are lying on the ground in the streets; my young women and my young men have fallen by the sword; in the day of your anger you have killed them, slaughtering without mercy.” (Lam.2:17, 20-21)

As the lamentation begs YHWH to look and consider, I now turn from looking to considering.

### 6.3 UNDERSTANDING THE CURSES

#### 6.3.1 MODERN RESPONSES

I first consider some modern commentators’ approaches to the curses. In §1.1, I presented several ways commentators deal with YHWH’s destructive force. Longman and Reid maintain an objective distance from the issues raised by the curses. Commenting on YHWH fighting against Israel, they write, “Language that in other places was used in support of Israel is here applied against Israel. The ‘outstretched hand’ and the ‘mighty arm’ are turned against his people (cf. Ex 6:6; Dt 4:34; Ps 136:12). He will ‘hand over’ Israel to its enemies (cf. Jos 11:6; Jdg 4:9; 1Sa 17:46).”<sup>88</sup> From their distant vantage point, this is simply the way it is with YHWH. Clines insists on exposing the ideology of both authors and readers. While my canonical reading approach is less interested in discovering hypothetical authorial power-plays behind the text, I sympathize with his demand that interpreters engage the ideological clash that likely results from reading these texts in a modern Western context. That the text expresses no concern for the justice of YHWH’s actions against Israel is—or should be—troubling. Harrison’s appeal to worshipers of this God to condemn the one who promises to “take delight in bringing you to ruin and destruction” (28:63), especially when it is detailed in such horrific fashion, must be taken as having some measure of credibility.

Thomas Mann denies YHWH’s personal role in responding to Israel’s disloyalty. He notes the similarity between other ANE texts and Deut.28, suggesting that the biblical authors portrayed YHWH threatening his people with the same sort of destructive powers as roughly contemporaneous ancient human suzerains.<sup>89</sup> Although

<sup>88</sup> Longman and Reid, *Warrior*, 54.

<sup>89</sup> Mann proposes that Deut.4-28 were produced during the reign of Hezekiah in the late 8<sup>th</sup> century, with the detailed description of exile (28:64-68) being a later exilic addition (Mann, *Deuteronomy*, 6).

he does not explicitly state as much, it seems that he understands the authors of Deuteronomy to reflect on Israel's devastation and decide it is YHWH's punishment for covenant disloyalty. However, he sees no place for modern readers to understand the curses in this way. For Mann, curses are a natural result of evil acts. Slavery leads to war and ongoing, multi-generational racism. Drought may result from poor environmental policy, but not idolatrous worship. By dissociating YHWH from Israel's suffering, he fails to do justice to the text of Deuteronomy.

### 6.3.2 NATIONAL AND ABSOLUTE CURSES

The covenant curses of Deut.28 are national and absolute. The curses are *national* in that they are triggered by national disobedience and that national tragedy results. The national scope of the curses is apparent by their very nature. While fruitfulness of the womb and bodily disease could be applied individually, the curses of drought and war cannot have individuals in view. It is fantastic to imagine enemy soldiers selecting out the particularly disloyal families of Israel for rape and looting. The threats do not apply suffering to select individuals, but rather to the nation.

How does this national quality of the curses affect the interpretation of the condition of the threat: "If you will not obey the LORD your God by diligently observing all his commandments and decrees..." (v.15)? As difficult as it is for modern Western people to think collectively, this condition must be understood as assessing the character of the nation of Israel as a whole. As discussed in §5.3, collective disaster is the outgrowth of rebellion against YHWH that grows from individual to city to nation. Though YHWH may be concerned about one Israelite blaspheming his name, just as an Assyrian king would be concerned about a subject cursing his name, the threats focus on a larger problem. The real problem arises when the king, a national figure, and the population begin to chafe at serving YHWH/Assyria and when active measures are taken to restructure society apart from YHWH/Assyria. Then disloyalty becomes a truly national issue. The curses pertain to a nation where YHWH's commands are characteristically disregarded by the leaders and the society.

The curses are also *absolute* in that they threaten the complete destruction of Israel as the people of YHWH. This does not require the death of every single Israelite, but the dissolution of the political state and the national entity. As a modern example, the Soviet Union was destroyed in the 1990s by the division of the political entity into a number of independent states and the destruction of the national entity that formerly held the various peoples together with a (somewhat) unified ambition. Relatively few

people died in that “destruction,” but the resulting change in identity has had massive implications for vast portions of the globe. Unfortunately, destruction of a nation-state does not always occur with minimal bloodshed. If a people is committed to their nationhood and strong in their military and material abundance, destruction of that people comes only with devastating force.

The absolute quality of the threats is rendered by eleven “until” (עד) clauses in the passage.<sup>90</sup> These are: “until you are destroyed and [until you] perish quickly” (עד עד מהר, v.20), “until it has consumed [lit. ‘finished’] you” (עד כלתו, v.21), “until you perish” (עד אבדך, v.22), “until you are destroyed” (עד השמריך, v.24), “until you are destroyed” (עד השמריך, v.45), “[the curses shall last] forever” (עד-עולם, v.46), “until he has destroyed you” (עד השמידו אתך, v.48), “until you are destroyed...until it has made you perish” (עד השמריך...עד האבידו, v.51), and “until you are destroyed” (עד השמריך, v.61).

The absolute quality of the curses for the nation of Israel also appears in the threats that she will be removed from the land (vv.21, 36, 63, 64, 68), reduced to a small population (vv.62-63), and be compelled to serve other nations and gods (vv.36, 43-44, 48, 64, 68). These threats reverse the covenant blessings of being YHWH’s people and effectively destroy her viability as a nation.<sup>91</sup>

Finally, the absolute quality of the curses appears in the non-existence clauses of the threats. These are: “and there shall be no one to frighten them away” (ואין מחריד, v.26), “without anyone to help” (ואין מושיע, v.29), “without anyone to help you” (ואין מושיע לך, v.31), “but be powerless to do anything” (ואין לאל ירך, v.32; cf. n.42), and “but there will be no buyer [when Israelites offer themselves for sale as slaves]” (ואין קנה, v.68). This lack of any help is probably intended to emphasize that YHWH, Israel’s help, will not come to her aid, but it also points to the curses pushing forward until there is no one on Israel’s side.

It should be noted that the curses are not “natural” results of Israel’s disobedience. They are neither “natural” in the scientific sense of following mechanically from the acts of disobedience themselves nor in the textual sense of the curses being portrayed as following without the personal involvement of YHWH. However, once the particular afflictions of drought, locust, crop disease, plague, and war are unleashed, there are naturally broad consequences across the entire nation.

<sup>90</sup> Three additional “until” clauses (vv.35, 52, 64) have other concerns than the curse leading to Israel’s destruction.

<sup>91</sup> On the other hand, other portions of Deuteronomy certainly envision a return from exile (cf. 30:1-5), and, of course, diaspora Judaism has survived for millennia without dwelling in the land.

The non-selectivity and intensity of the curses results from the agents of curse that YHWH designates. It is conceivable that YHWH could have chosen individually selective agents of his curse, but he does not. The intensity of warfare is most prominent. As discussed at some length above, defeat in war in the ancient world usually meant defeat by siege.<sup>92</sup> The agents of curse that YHWH chooses are both intense and non-selective, resulting in blunt devastation.

While the absolute quality of the curses does not force YHWH to apply them in full measure to disloyal Israel—her continued existence as the people of YHWH throughout the OT despite times of disloyalty and partial application of the curses makes manifest that YHWH is not so compelled—the force of the threat is that Israel is liable to absolute destruction if she is disloyal.

### 6.3.3 ERROR OF PROPORTIONAL AND INDIVIDUAL CURSES

There is a considerable history of interpretation of the covenant curses that misunderstands their national and absolute character. One significant example is Calvin, who, at least to some degree, interprets the curses as individual and proportional rather than national and absolute. This tendency appears throughout his commentary on this subject, but is revealed most clearly in his comment on 28:35, which concerns the threat of disease:

Since death is common to the whole human race, they must needs also be all subject to disease; nor is it a matter of surprise that the whole posterity of Adam, which is infected with the taint of sin, should so be liable to many afflictions, which are the wages of sin. But, since the offenses of all are not alike, God also maintains a just proportion in the execution of His various punishments; thus, in this passage He does not speak only of common maladies, but of those whereby He openly shews His vengeance against the transgressors of the Law; of which sort are incurable diseases.<sup>93</sup>

Calvin thus finds a doctrine of proportional punishment of individual transgressors of YHWH's law. He does not go so far as to claim every disease is divine punishment for transgression; he recognizes that disease and death is common to humanity. Rather, it is the uncommon maladies, the incurable diseases, which YHWH justly proportions to the disobedient. Examples could be multiplied of commentators who find that Deuteronomy teaches that YHWH maintains a morally retributive universe where obedience and

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<sup>92</sup> There have been periods in history when sieges were rare. Field battles predominate when offensive weapons are more powerful than city defenses and when the speed of attack precludes withdrawal behind city walls.

<sup>93</sup> Calvin, *Moses*, 3:253.

disobedience are proportionally and individually rewarded and punished. For example, McConville takes a step in this direction when he writes,

There is an element of theodicy in [the curses]. Where do disasters come from? Some say they come from various gods, displeased for inscrutable reasons. Some will point to blind fate, or the amoral forces of nature. The OT itself knows perplexity about innocent suffering (Ps.73; Job 24). But all is contained here within a confession of faith, that the universe is ultimately moral.<sup>94</sup>

Brueggemann also seems to support such a view:

Yahweh is a commanding sovereign who can enact sanctions against the disobedient. These sanctions, moreover, give moral reliability to the world over which Yahweh presides.... Israel envisioned a precise symmetry of act and outcome, so that those who obeyed received all the blessings of life—well-being, prosperity, fruitfulness, security, and land—and those who disobeyed received a negation of life, whether by extermination, exile, barrenness, or natural disaster.<sup>95</sup>

But the covenant curses neither testify to a precise symmetry of act and outcome nor explain disasters in general. Rather, they exhort Israel as a nation to be obedient because of YHWH's determination to make national disloyalty result in destruction. A second error can follow from this idea of offense-affliction symmetry: concluding from individual (and corporate) suffering that disobedience to YHWH must be present. This is the logic used by Job's counselors to condemn him. Mann wrongly finds this inverted logic in Deuteronomy's curses and then declares such teaching unacceptable in the modern world: "To make a direct moral connection between natural disasters and human suffering would almost be theologically cruel as well as careless."<sup>96</sup> These curses only explain one particular type of disaster for one particular people, and even then, only with prophetic insight.

The tendency to interpret these curses as individual and proportional reveals more about the interpreters than the text, that is, a prior commitment to individual and proportional blessings and curses. For example, Mann struggles with communal retribution. Citing the decalogue's threat against the descendants of idolaters (5:9), he comments, "Elemental notions of fairness recoil at this thought."<sup>97</sup>

<sup>94</sup> McConville, *Deuteronomy*, 409.

<sup>95</sup> Brueggemann, *Theology*, 196.

<sup>96</sup> Mann, *Deuteronomy*, 149-50.

<sup>97</sup> Mann, *Deuteronomy*, 150.

## 6.3.4 SPIRALING CONFRONTATION

Within the ANE context, at the time of the institution of the treaty, both treaty partners hope that the curses will never be implemented.<sup>98</sup> The purpose of the curses is to prevent treaty violations. But the curses are not mere macabre fantasies of sadistic doom to haunt the imagination. Rather, they present an extreme but realistic portrayal of known horrors that could be brought upon an offender by the gods with the help of their human agents. In the case of Esarhaddon's vassal treaty, the suzerain performs this ritual threat before his vassal: "Just as this ewe is cut open and the flesh of its young placed in its mouth, so may he (Shamash?) make you eat in your hunger the flesh of your brothers, your sons, and your daughters."<sup>99</sup> But he does not envision roasting his enemy's children and feeding them to their father—even cruelty has limits. However, he *does* envision his army besieging an offender and causing such starvation and distress that such unspeakable cannibalism results. Does the suzerain cause the cannibalism? Yes, because it is his army that puts the vassal into such straits. No, because it is the vassal's refusal to yield that prolongs the siege. Responsibility is difficult to apportion because of the escalating spiral of opposed wills.

Now consider the parallel logic of YHWH's covenant curses. The goal for both parties is that the curses will never be realized. In Deuteronomy's terms, this generation watched its parents die in the wilderness because they offended YHWH (2:14-15). They are aware of YHWH's style of demands and enforcement. They know the barely-averted disaster of the golden calf (9:8-10:11), where disloyalty to YHWH set him on a course of destruction. Thus, like with the ANE treaties, the curses are no empty threat.

If YHWH moves to enact the curses, what can be said about this situation? It is clear that it must be desperate. If the analogy with international treaties is any guide, destruction of a treaty partner is not the first move of the offended party. Such a policy would not only be impractical, but also foolish. Breaches in international relations are usually healed with diplomats, not armies, just as in the modern world. Even in the midst of his campaign against Judah, King Sennacherib of Assyria sends the Rabshakeh to Hezekiah to seek a peaceful—though heavy-handed—resolution to the crisis (2Kgs.18:17-35). While the curses are absolute, there is such a thing as a "shot across the bow." The curses are only realized when the covenant relationship has gone quite wrong.<sup>100</sup>

<sup>98</sup> One exception is the case where the suzerain is creating a legitimating pretext for implementing the curses, e.g. annexing the vassal.

<sup>99</sup> VTE II.547ff. (*ANET*, 539d).

<sup>100</sup> In some sense, OT prophecy functions in a diplomatic capacity, giving an opportunity for relational healing (e.g. Jer.18:7-8).

The paradigmatic covenant offense is following after gods other than YHWH (cf. §2.3.2). The curses fall upon a nation that no longer treats YHWH as their God, and is therefore, for practical purposes, no longer his people.<sup>101</sup> And YHWH does not tolerate disloyal Israel dwelling in the land. But people do not surrender their homes voluntarily. Though the celebrated man of faith, Abraham, demonstrates his commitment to YHWH by voluntarily leaving his home and family for a blessing (Gen.12:1-6), rebellious Israel is unlikely to depart willingly for a curse. So the contest of wills is readied: Israel's stubborn will and natural drive to create her own prosperity in her own settled home and YHWH's stubborn will to be in relationship with his people in his special land. And once YHWH, as part of his curse, unleashes a human imperial power to dominate Israel as a nation, the outcome is as sure as it so often was in ANE clashes: the defender trusting its fortifications as the siege begins, followed by slow starvation, cannibalism, massacre, mutilation, and deportation. This path was well worn by any number of nations who dared to challenge the empire and the god/God who guaranteed its victory. The curse of national destruction, enacted by an imperial enemy, must be a bloody and horrible affair by its very nature.

#### 6.4 MODERN CURSES IN WARFARE

What is the difficulty that modern Western readers encounter in this text? The issues of severe response to disloyalty and coercive positive freedom were discussed in previous chapters and need not be belabored further here. But the curses raise at least two additional concerns.

First, YHWH chooses broad-stroked agents of curse: agricultural failure, disease, and warfare. These agents are not selective in their application and do not focus on individual offenders. Once set in motion by YHWH, unless some miraculous intervention occurs, these agents will cause great affliction to the nation. Such broad-stroked curses offend modern Western values of individualism, equal protection under the law, and individualized punishment that fits an individual's crime. As with the punishment of the disloyal city in Deut.13 (cf. §5.2.2.3), the curses have much more in common with modern ideas of warfare than police action (cf. §5.4.1). Israel is not being treated as a criminal offender who has certain procedural rights for defense, proof of guilt, and apportioning appropriate punishment. In the curses, Israel is treated as

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<sup>101</sup> YHWH's promise to the patriarchs nevertheless remains and is appealed to by both parties as an argument for curtailing the curses (4:31; 9:27).

YHWH's opponent in war, which unfortunately leads in both the ancient and modern worlds to broad-stroked application of coercive and deadly force.<sup>102</sup>

Second, though the intensity of the curse of defeat in warfare may be amplified wrongly by the immorality of Israel's attackers through unwarranted cruelty, YHWH does not announce any intention to intervene to ameliorate Israel's suffering. Though he neither forces Israel to cannibalize her children nor personally commands the rape of Israel's women, he grants the marauding army success against Israel and does not stop their rampage. Such allowance of human cruelty offends the modern Western requirement that one intervene to protect the attacked. By tolerating this sort of infliction of suffering, YHWH is complicit in applying cruel and disproportionate punishment to offenders. In the spiraling confrontation over YHWH's goal of dispossessing Israel of his land, the resulting "punishment" results from Israel's unwillingness to respond to YHWH's demands. Under this interpretation, "punishment" does not properly describe Israel's suffering. Rather, Israel's suffering is the result of the clash between her will and YHWH's. The problem remains that modern ideas of divine omnipotence and omni-competence suggest YHWH should be able to resolve his conflict with Israel through "better" means. My only observation is that he does not. He bends Israel's will through destructive force, much like both ancient and modern states.

What do modern nation-states do when warfare is the chosen option for opposing an enemy? Although surgically precise manipulation of key infrastructure and leadership through "smart bombs" and other technological feats seems to promise success in war without undue suffering, the reality of escalated wars betray such fantasies. While the warfare waged by YHWH's agents would not withstand modern tests of justice, neither does modern warfare. A severe modern example is the lack of discrimination of military targets in the firebombing of Tokyo and other Japanese (and German) cities in World War II. American General Curtis LeMay ordered the attacks, which killed more than 100,000 in Tokyo alone. He reflected, "Killing Japanese didn't bother me at that time. It was getting the war over with that bothered me. So I wasn't particularly worried about how many people we killed in getting the job done.... All war is immoral, and if you let it bother you, you're not a good soldier."<sup>103</sup> The victors in this war quickly forgot the horrors unleashed on the defeated. In World War II, every Japanese civilian was a barrier to Allied victory; so purposefully burning entire square miles of Tokyo with incendiary bombs, bursting living bodies into flames, and boiling

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<sup>102</sup> But cf. n.79 in ch.5 above.

<sup>103</sup> Ronald Schaffer, *Wings of Judgment: American Bombing in World War II* (New York: OUP, 1985), 150. The entire book is instructive.

rivers where the doomed sought refuge, was the planned path to victory. The atomic infernos of Hiroshima and Nagasaki only continued the existing policy of total warfare.

YHWH's harsh power may be likened to that of ancient Assyria or present America: the imperial power demands its subjects conform to its vision of how the world should be shaped and submit to the power that defines that vision.<sup>104</sup> Denial of loyalty to Assyria and other ANE empires had its cost. Denial of loyalty to America and its system of values in the present world has its cost. President Bush outlined his basis for the war on terrorism in a speech on September 20, 2001. Though the entire speech is instructive, a particularly illuminating passage reads, "Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists. From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime."<sup>105</sup> As evidenced by the estimated 600,000 violent post-invasion, excess deaths in Iraq<sup>106</sup>—not to mention the execution of Saddam Hussein—standing against the ruling powers is costly. Three days after the September 11, 2001 terrorist attacks, President Bush proclaimed, "Our responsibility to history is already clear: to answer these attacks and rid the world of evil. War has been waged against us by stealth and deceit and murder. This nation is peaceful, but fierce when stirred to anger."<sup>107</sup> In American eyes, countering evil sometimes requires ferocity.

It may seem that YHWH's framework for his empire should have *nothing* in common with such brutal regimes as modern America and ancient Assyria, but the text of Deut.28 seems to draw YHWH into such company. I neither justify nor condemn any of these powers here, but note that the establishment and maintenance of a society, whether a liberal democracy in Iraq or YHWH's rule over Israel in Canaan, often involves threats of and the realization of unspeakable human atrocities.

<sup>104</sup> One important distinction in YHWH's empire is that his human agents (Israel) do not rule a world-dominating empire by force, unlike other divinely-inspired human empires. YHWH's human agents are subject to his intervention both for and against them. Likewise, other nations can become YHWH's agents without their knowledge or consent.

<sup>105</sup> Bush, "Freedom."

<sup>106</sup> Gilbert Burnham, Riyadh Lafta, Shannon Doocy and Les Roberts, "Mortality after the 2003 Invasion of Iraq: A Cross-Sectional Cluster Sample Survey," *Lancet* 368, no. 9545 (21 Oct 2006), 1421-8 Cited 20 Apr 2007. Online: <http://www.thelancet.com/webfiles/images/journals/lancet/s0140673606694919.pdf>. Of course, the accuracy of such politically charged statistical measurements is inherently controversial.

<sup>107</sup> George W. Bush, "President's Remarks at National Day of Prayer and Remembrance," (14 Sep 2001), n.p. Cited 20 Apr 2007. Online: <http://www.whitehouse.gov/news/releases/2001/09/20010914-2.html>.

*Thus says the LORD: Do not let the wise boast in their wisdom, do not let the mighty boast in their might, do not let the wealthy boast in their wealth; but let those who boast boast in this, that they understand and know me, that I am the LORD....*

*Jeremiah 9:23-24*

## Chapter 7

# The Politics of YHWH and “Other Gods”

### 7.1 INTRODUCTION

As argued throughout this work, YHWH threatens disloyal Israel with destruction in ways that are deeply troubling to modern readers. In particular, it is Israel’s involvement with “other gods” (אלהים אחרים) that triggers YHWH’s destructive force. This fact raises the question of who these “other gods” are and why YHWH is so sensitive to them.<sup>1</sup>

In the previous chapters, I have been satisfied with treating Israel’s disloyalty to YHWH as exactly that—turning away from YHWH—rather than considering the alternative entities that receive Israel’s trust. Under the idea of disloyalty, the jealous YHWH is concerned with having Israel’s complete devotion, so following (הלך אחרי) other gods implies diminishing her loyalty to YHWH. But what/who are these other gods that Israel is to shun? Perhaps important insight—both historical and contemporary—can result from gaining a better understanding of those whom YHWH views as “competition,” as it were.

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<sup>1</sup> I discontinue the use of scare quotes around “other gods” from this point. I often refer to these “other gods” as אלהים אחרים, even though that phrase is not always used in the particular text under consideration. I also occasionally use a definite article for smoother English (i.e. “the other gods” or “the אלהים אחרים”), even though the definite article is not used in the Hebrew text.

## 7.1.1 DIFFICULTIES WITH STUDYING THE OTHER GODS

It is tempting to avoid the question of the identity and characteristics of the other gods for at least three reasons. First, Deuteronomy itself does not expand on them. Although they are a dangerous possibility for Israel, therefore requiring repeated warnings and steady vigilance to avoid their snare, the text focuses more on prohibiting loyalty to this “other” over YHWH than describing it in any detail.<sup>2</sup> So while Deuteronomy contains clues about the אלהים אחרים, other sources must be consulted to construct a helpful outline. Of course, importing external concepts into Deuteronomy must proceed with caution, but the term אלהים אחרים appears to be deuteronomic (appearing predominantly in Deuteronomy, the so-called “Deuteronomistic History,” and Jeremiah), making such an approach plausible. Second, modern Western culture and language do not deal in “gods” except through tenuous metaphors. The denial of the existence or intelligibility of supernatural beings (atheism/agnosticism) and belief in a single creator being (monotheism) demarcate the basic range of modern Western thought on the subject. Contention between gods of different sorts for human loyalty is a highly unusual idea, though Durkheim and functionalism reveal a wide array of invisible gods at work, even in the modern world.<sup>3</sup> Third, many different aspects of the ancient worldview and life are connected to their gods; so it is difficult to constrain the study of these gods in order to keep the subject tractable.

Despite these difficulties, the fact that Deuteronomy refers to אלהים אחרים without further explanation suggests a historical context where some understanding of their nature could be assumed of the book’s readers. In other words, lack of detail within Deuteronomy does not necessarily imply that sensitivity to the cultural concerns of ancient society is irrelevant. Therefore, it seems that historical reflection on the gods of Israel’s ANE neighbors might provide some illumination on what it is that YHWH insists that Israel shun.

## 7.1.2 THESIS AND DISCLAIMERS

Many approaches can be taken for probing the relationship between ancient peoples and their gods. One can describe the pantheon, the myths that surround the gods, or the cultic worship of the gods. YHWH’s prohibition of other gods for Israel can be studied

<sup>2</sup> Deuteronomy’s imprecision about the אלהים אחרים manifests itself in the continuing debate about the text’s stance on monotheism, i.e. the question of whether they actually exist or not (cf. MacDonald, *Monotheism*).

<sup>3</sup> Cf. §2.1.2. Cf. also George E. Mendenhall, “The Worship of Baal and Asherah: A Study in the Social Bonding Functions of Religious Systems,” in *Biblical and Related Studies Presented to Samuel Iwry* (ed. Ann Kort and Scott Morschauser; Winona Lake, Ind.: Eisenbrauns, 1985), 147-58.

from the viewpoints of historical religious development, the rise of monotheistic belief, or the rejection of divine images. Rather than pursue these likely fruitful courses of study, I choose to reflect on the relationship between the gods and politics, which is in line with my larger study that relates the religious and political lives of Deuteronomy's Israel and the modern world.

My thesis in this chapter is that there are sociopolitical implications in the worship of other gods. In particular, when Israel seeks to centralize and multiply her internal political power in emulation of the nations around her or manipulate her position among the external political powers that surround her, this correlates positively with her worship of other gods.

I immediately add several disclaimers. I am not making any claims here about Israel's actual cultic and political practice throughout her history. Rather, I am examining the canonical testimony to Israel's politics and involvement with other gods. It is precisely the canonical understanding of the connection that is the object of my study, not the historical events that lie behind the text. Next, I am not claiming that these sociopolitical correlations are the most obvious, most important, or only correlates with the serving of other gods, only that they are present. The canonical text does not seem to focus on the relationship between politics and gods—if it did so, the argument of this chapter would be unnecessary—but my claim is that the text correlates the two strongly enough that the connection can inform a modern understanding of the other gods. Furthermore, I am not claiming a particular causal relationship between the serving of other gods and these sociopolitical moves, i.e. which leads to the other or why, but only a general correlation between the two. Finally, I admit at the outset that my characterization of the types of uses of political power that correlate with serving other gods is provisional and may need further refinement. With these disclaimers, I hope it is clear that my goal is a modest one, namely, to argue that Israel's canonical text connects a certain sort of manipulation of political power with the serving of other gods.

In this chapter, I first survey the relationship between gods and kings in the ancient Egyptian and Mesopotamian environment in which Israel arose and dwelt. The gods of these nations (אלהים אחרים, in OT terms) were closely identified with those nations' kings, which provided a concentration of national power in the king. Furthermore, international power arrangements were understood in terms of divine power structures. Second, I examine Deut. 17 as a key text on YHWH's commands for the king of Deuteronomy's Israel, highlighting the contrast between the nexus of YHWH and Israel's king and that of the אלהים אחרים and Israel's neighboring kings.

Third, I look at several key OT texts that refer to the relationship between Israel serving—and rejecting—אלהים אחרים and her attitude towards political power. Finally, assuming my thesis is established as worthy of consideration, I reflect on what it means for ancient Israel to follow the אלהים אחרים and how this understanding might provide insight into the nation-state system within the modern context.

## 7.2 KINGS AND GODS IN ISRAEL’S SURROUNDING CULTURES

### 7.2.1 NATIONAL POLITICS

In a landmark study, Henri Frankfort analyzes the relationships between ANE kings and their gods. He begins with a general statement that life without a king was unimaginable: “The ancient Near East considered kingship the very basis of civilization.”<sup>4</sup> Furthermore, “through the king, the harmony between human existence and supernatural order was maintained.”<sup>5</sup> Society depended upon the king for his necessary mediation between worldly reality and the uncontrollable forces of both nature and the supernatural.

Frankfort divides ANE thought on kingship between the two main culture centers: Egypt and Mesopotamia. In Egypt, the pharaoh was no mere human leader but a god.

Pharaoh was of divine essence, a god incarnate; and this view can be traced back as far as texts and symbols take us. It is wrong to speak of a deification of Pharaoh. His divinity was not proclaimed at a certain moment, in a manner comparable to the *consecratio* of the dead emperor by the Roman senate. His coronation was not an apotheosis but an epiphany.<sup>6</sup>

However, the pharaoh was no despot, ruling by arbitrary decree. His charge was to maintain the unchangeable created order. He held absolute power with no checks, but he was necessarily submissive to *maat*, the just and right order of creation. “Thus the king, in the solitariness of his divinity, shoulders an immense responsibility.”<sup>7</sup> Egyptians obviously understood from experience that the world was not perfectly ordered, “for the forces of chaos were merely subdued and not annihilated.”<sup>8</sup> But confidence in the

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<sup>4</sup> Henri Frankfort, *Kingship and the Gods: A Study of Ancient Near Eastern Religion as the Integration of Society and Nature* (OIE; Chicago: University of Chicago Press, 1948), 3. While some disagree with Frankfort’s historical reconstruction of Israelite kingship, his presentation of the ANE background and the canonical presentation of Israel’s distinctiveness is widely accepted (e.g. Bernard M. Levinson, “The Reconceptualization of Kingship in Deuteronomy and the Deuteronomistic History’s Transformation of Torah,” *VT* 51:4 [2001]: 511 n.1, 512-8)

<sup>5</sup> Frankfort, *Kingship*, 12.

<sup>6</sup> Frankfort, *Kingship*, 5.

<sup>7</sup> Frankfort, *Kingship*, 51.

<sup>8</sup> Frankfort, *Kingship*, 4.

pharaoh's divine power and commitment to *maat* meant that Egyptians were freed from insecurity by their god-king.

While the Egyptian creation myth recalls a static order preserved by the divine king from the first moment, the Mesopotamian story presents the establishment of a king as a solution to the problem of chaos. In the divine sphere, the gods' ancient battle with Chaos comes to a crisis point whereupon they ask Marduk to accept the challenge of defeating Chaos.<sup>9</sup> Marduk accepts, but only upon the condition that he be given absolute power.<sup>10</sup> His subsequent victory over Chaos proves the wisdom of his election and thus leads to the permanence of his office.<sup>11</sup> As it is in the divine realm, so it also is in the human. The gods endow the human king with the overwhelming burden of quelling the chaotic forces in the world. The Mesopotamian king is not divine, but the *institution* of kingship is divine. "Royalty was something not of human origin but added to society by the gods; the king was a mortal made to carry a superhuman charge...."<sup>12</sup> While the Egyptian king maintains the created order, Mesopotamian kingship is an anxious attempt to subdue chaos. The Mesopotamian king is responsible for interpreting the will of the gods, representing the people to the gods, and administering the realm.<sup>13</sup>

Dwelling geographically and ideologically in between these two views were Syria and Palestine. The region where Israel's nation arose was ruled by many small monarchies during the pre-Israelite Bronze Age and experienced strong influence from both Egypt and Mesopotamia.<sup>14</sup> The Amarna correspondence reveals a familiarity with the Egyptian understanding of the pharaoh's divinity. The Ras Shamra tablets go further and evidence a belief in divinity being incarnate in the king.<sup>15</sup> Gray downplays the son-of-El aspect of Canaanite kingship, but notes that the king serves as prophet, functions in the cult as priest, administrates justice, leads in war, and directs foreign policy.<sup>16</sup>

Israel's neighbors understood their kings to be the divine focal point for maintaining the world. The gods were tightly identified with human politics and power. To challenge the king was to commit blasphemy against the gods as well as treason against the king. With sacral kingship, human force and empire has divine sanction and the gods demand that people support the existing rule. These understandings of the tight

<sup>9</sup> Frankfort, *Kingship*, 235. Cf. *Enuma Elish*, 2.88-95 (*ANET*, 64a).

<sup>10</sup> Frankfort, *Kingship*, 220. Cf. *Enuma Elish*, 2.123-9; 3.116-124 (*ANET*, 64b, 65d).

<sup>11</sup> Frankfort, *Kingship*, 236. Cf. *Enuma Elish*, 4.13-18; 6.106-7.144 (*ANET*, 66b-c, 69b-72c).

<sup>12</sup> Frankfort, *Kingship*, 237-8.

<sup>13</sup> Frankfort, *Kingship*, 252.

<sup>14</sup> Martin Noth, "God, King and Nation in the Old Testament," in *The Laws in the Pentateuch and Other Studies* (Edinburgh: Oliver & Boyd, 1966). 156-7.

<sup>15</sup> Noth, "God," 158.

<sup>16</sup> John Gray, "Canaanite Kingship in Theory and Practice," *VT* 2:3 (1952): 193-220.

relationship between king and gods imply a concentration of divinely legitimated power in the king and his associates.

### 7.2.2 INTERNATIONAL POLITICS

In Mesopotamia and Syro-Palestine, the earthly power structures between kingdoms reflected divine power structures among the respective gods. Conflicts and victories in the divine sphere have their parallels on earth. "Thus the conflicts between city-states were viewed as conflicts between their divine owners."<sup>17</sup> In a later imperial age, when broader kingship over an entire empire took shape, the choosing of the Great King was understood to be by the unanimous action of the divine council.<sup>18</sup>

When a king conquered another kingdom, the conquered national gods would be incorporated into the conquering king's pantheon as gods properly submissive to his own.<sup>19</sup> The gods of conquered peoples were not seen as impotent, but actively supportive of the victor.

This identification between the polytheistic divine sphere and the earthly sphere of international politics gives rise to complex interactions between worship and politics. If a king is designated by a powerful god, it naturally follows that the king should wield power over neighboring kingdoms. Likewise, if neighboring kingdoms or empires gain power over one's own kingdom, propriety demands recognition of the respective gods. For Israel to dissociate from international gods and politics requires a vigilant refusal to conceive of the world in these terms.

In summary, the worship of other gods in the ANE is strongly connected with both centralized and multiplied internal power through the divinely-connected king and the wielding of international power as a reflection of the power structures among the various gods.

## 7.3 DEUTERONOMY 17: THE POLITICS OF YHWH

In this section, I consider Deuteronomy's view of kingship, which contrasts strongly with that of the rest of the ANE on the relationship between the king and the gods. It

<sup>17</sup> Frankfort, *Kingship*, 241.

<sup>18</sup> Frankfort, *Kingship*, 242.

<sup>19</sup> E.g. Amaziah worshiping the defeated Edomite gods (2Chr.25:14). Cf. the Philistines incorporating the ark of Israel into their worship of Dagon (1Sam.5:2). Assyria understood her victories to be accomplished "through the intervention of foreign as well as native Assyrian gods. Boastfully, the claim is put forward that the enemy's gods had abandoned their faithful in submission to Assyria's Ashur" (Morton Cogan, *Imperialism and Religion: Assyria, Judah and Israel in the Eighth and Seventh Centuries BCE* [SBLMS 19; Chico, Calif.: Scholars, 1974], 21). Such practice seems to be forbidden explicitly by the first commandment if עַל-פָּנָי ("before me," Deut.5:7) is taken to mean "in my presence."

neither centralizes political power in the person of the king nor identifies his office with representing the will of Israel's God.

Deuteronomy predominantly uses the term "king" (מֶלֶךְ) to refer to foreign kings.<sup>20</sup> The term is used of YHWH only once and then in a poetic context (33:5).<sup>21</sup> The lone passage for understanding the nature of human kingship in Deuteronomy's Israel and its relationship to YHWH is 17:14-20 (along with a passing comment in 28:36).

### 7.3.1 GOVERNANCE IN DEUTERONOMY'S ISRAEL

This passage on Israel's king lies within a larger context that is primarily concerned with Israel's governance (Deut. 16:18-18:22).<sup>22</sup> The primary governing action is judging (שָׁפַט), described in 16:18-20; 17:8-13. Interestingly, the themes of governance and the prohibition of worshipping other gods (16:21-17:7; 18:9-14) are interwoven. This thematic complexity has led to various attempts to unearth the text's compositional history and generate a reordering of the text to smooth its reading.<sup>23</sup> However, from a canonical viewpoint, the question is what function such interweaving plays in the final text. Although it may be accidental that serving other gods is the capital crime chosen to illustrate court procedure (17:2-7), the juxtaposition highlights the complex and important relationship between worship and governance. The governing authorities are responsible for maintaining pure worship in the nation and, in the other direction, improper worship (16:21-17:1) is likely seen as a threat to just government.

The institutions of power defined in this section include judges, king, priests, and prophets. A striking feature of this exposition of Israel's governance is the distribution of power. Greenberg summarizes the Pentateuch's view of power: "In the divinely ordained polity provided for Israel, power is dispersed among the members of society and many devices prevent its accumulation and concentration."<sup>24</sup> Judges

<sup>20</sup> E.g. the defeated kings Sihon and Og (1:4, etc.), the kings of Canaan (7:24), and the Egyptian pharaoh (7:8; 11:3).

<sup>21</sup> The clause reads וַיְהִי בִישׁוּרֹן מֶלֶךְ ("and there became in Jeshurun a king"). The closest antecedent noun is Moses (33:4) but attribution of kingship to Moses would be highly unusual. Cf. Tigay, *Deuteronomy*, 322 for further discussion. Note that YHWH is also depicted as a king in the Song of the Sea (Exod. 15:18). The lack of royal language for YHWH in Deuteronomy is somewhat surprising given its use of ANE political treaty language and forms. It seems the authors' concern for distinguishing YHWH from human kings overrode the literary form that presents YHWH as Israel's suzerain.

<sup>22</sup> For a useful summary of the offices, cf. Norbert Lohfink, *Great Themes from the Old Testament* (Edinburgh: T&T Clark, 1981), 58-64. On discerning Deuteronomy's model of governance from the larger book, cf. Joshua Berman, "Constitution, Class, and the Book of Deuteronomy," *Hebraic Political Studies* 1:5 (2006): 523-48.

<sup>23</sup> Cf. Nelson, *Deuteronomy*, 215ff.

<sup>24</sup> Moshe Greenberg, "Biblical Attitudes toward Power: Ideal and Reality in Law and Prophets," in *Religion and Law: Biblical-Judaic and Islamic Perspectives* (ed. Edwin B. Firmage, Bernard G. Weiss and John W. Welch; Winona Lake, Ind.: Eisenbrauns, 1990), 105. Greenberg also argues that the Pentateuch seeks to prevent the accumulation of economic power (106f.) and the power that flows from the control of information (107ff.). Despite his criticisms of Greenberg, Welch agrees that "the limited

(שפטים) and officers (שטרים) are distributed throughout the land, being appointed in all of Israel's towns (בכל-שעריך) (16:18). Furthermore, their judgments are limited by the public law and due process.<sup>25</sup> Appeals to a priestly centralized court are only for clarification on the details of the law (17:8-9), not for control of the lower courts by divination or other means that might subvert the law. Though the levitical priests<sup>26</sup> have considerable power through their guardianship of the law, they are checked by the people's role in the cult, power sharing with other institutions in every sphere of their activity, and remaining landless and geographically dispersed (cf. 18:6).<sup>27</sup> Though a prophet may wield considerable power, his words are tested by the people, with the highest penalty for wrongly claiming to speak for YHWH (18:20).

### 7.3.2 ISRAEL'S KING IN DEUTERONOMY

So how does kingship feature within this larger view of Israel's governance? In its canonical setting, this passage looks into the future when Israel is settled in Canaan. Without suggesting a motivation, it considers the occasion when Israel says, "I will set a king over me, like all the nations that are around me" (17:14). In striking contrast with her Egyptian and Mesopotamian neighbors, Israel's monarchy is established upon human desire, not divine pronouncement. The same theme appears in the reference to Israel's king in Deuteronomy outside of this passage. The covenant curse of exile will apply to "you, and the king whom you set over you" (28:36). Israel and her king, who makes YHWH's people like other nations, will be sent by one of those other nations she emulates into exile where she will "serve other gods (אלהים אחרים)."

At the beginning of the law of the king, there is a warning note: the assimilating words, "like all the nations that are around me" (ככל-הגוים אשר סביבתי). This stands in tension with Israel's distinctiveness relative to the surrounding nations—a prominent theme in Deuteronomy.<sup>28</sup> However, kingship is neither necessary nor forbidden within Deuteronomy.<sup>29</sup>

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powers of the monarchs of Israel, especially the requirement that they be 'one from among the brethren' (Deut. 17:15), surely stands in sharp contrast to other ancient kingship concepts in which the king was viewed as the near-divine provider of all to his people, including life itself' (John W. Welch, "Reflections on Postulates: Power and Ancient Laws—A Response to Moshe Greenberg," in *Religion and Law: Biblical-Judaic and Islamic Perspectives* [ed. Edwin B. Firmage, Bernard G. Weiss and John W. Welch; Winona Lake, Ind.: Eisenbrauns, 1990], 117). Cf. also Lohfink, *Themes*, 68-72.

<sup>25</sup> Berman, "Constitution," 539-41.

<sup>26</sup> On the complex question of the relationship between Levites and priests in Deuteronomy, cf. Nelson, *Deuteronomy*, 231.

<sup>27</sup> Berman, "Constitution," 536-8.

<sup>28</sup> E.g. 4:6-8; 12:2-3, 30; 18:9, 14; 28:1, 12; 32:31.

<sup>29</sup> The OT sustains an uncomfortable relationship with the monarchy (one starting point is Keith W. Whitelam, "King and Kingship," *ABD*, 4:40-8).

The laws concerning Israel's king follow. First, the king must be chosen by YHWH: "You may indeed set over you a king whom the LORD your God will choose" (17:15). The people choose kingship; YHWH chooses the king. In Deuteronomy, kingship is neither wholly humanly nor wholly divinely instituted. Human desire for kingship does not dissociate Israel's kingship from YHWH. Mayes writes, "Its general concern is with the possibilities of apostasy inherent in the monarchy as an institution."<sup>30</sup> Indeed, the danger of kingship derailing Israel permeates this passage.

In addition to his association with YHWH, the king must not be dissociated from Israel's community: "One of your own community [lit. 'brothers,' throughout] you may set as king over you" (מִקְרֵב אֶחִיד תְּשִׂים עֲלֶיךָ מִלֶּךְ, 17:15). McKenzie points out the odd absence of any words in biblical Hebrew that clearly refer to a class of nobility.<sup>31</sup> This does not mean that Deuteronomy envisions a classless society (e.g. there were slaves), but Israel's king rules as a sibling of the ruled (cf. v.20 below).

A series of negative commands elaborate on this "of your own community" requirement, beginning with the stipulation, "You are not permitted to put a foreigner (נֹכְרִי) over you, who is not of your own community" (17:15). The foreigner is distinct from the resident alien (גֵר), who is considered a part of the community.<sup>32</sup> Although this prohibition has many implications, clearly a foreigner would have connections to foreign gods (אֱלֹהֵי נֹכְרִי, cf. 31:16; 32:12). A foreign king would necessarily import foreign ideas of kingship. Incidentally, why does YHWH have to prohibit the choice of a foreign king if he is the one who chooses the king? The prohibition could be more instructive than proscriptive—explaining one of the criteria that YHWH uses in his choice. But it may also acknowledge that there will inevitably be a human role in crowning Israel's king, even if chosen by YHWH. This law circumscribes any human distortion of the divine will.

The next three negative commands forbid the king from accumulating horses, wives, or money (17:16-17). Possession of some of each of these is not forbidden, but only the multiplication (רִבְיָה, *hiphil*). Horses along with their implied chariots indicate military strength. The warning suggests that a king seeking such power would return Israel to Egyptian slavery: "since the LORD has said to you, 'You must never return that way again'" (וַיְהוֶה אָמַר לָכֶם לֹא תִכְפֹּן לָשׁוּב בְּדֶרֶךְ הַזֶּה עוֹד, 17:16).<sup>33</sup> Enslavement

<sup>30</sup> Mayes, *Deuteronomy*, 271.

<sup>31</sup> John L. McKenzie, "The Sack of Israel," in *The Quest for the Kingdom of God: Studies in Honor of George E. Mendenhall* (ed. H.B. Huffmon, F.A. Spina and A.R.W. Green: Winona Lake, Ind.: Eisenbrauns, 1983), 26.

<sup>32</sup> Cf. 14:21 and 15:3 (Mayes, *Deuteronomy*, 243, 248).

<sup>33</sup> This divine statement is otherwise unknown, but cf. 28:68 and related sentiments in Exod.13:17; 14:13; Num.11:20; 14:3-4. It could be read either as a prohibition (as rendered) or as a promise ("you will not"). The best interpretation is probably "a promise that, by its very nature, implies a command"

for horses could take various forms: literal slavery through the sale of Israelites to pay for the armaments, political slavery through treaty subordination, or trade slavery through negotiated partnership.<sup>34</sup> With each possibility, Israel would lose her freedom to live as a society with a different value system from her neighbors. Another form of slavery results from any initial move toward achieving national security through the wielding of military power. Once this sticky web is entered, extrication is difficult, as the canonical history illustrates.

Accumulation of wives is prohibited for it would lead to the king's heart turning away (יָסוּר לְבָבוֹ, 17:17), a verb regularly used in Deuteronomy for disobedience to YHWH's commands, often connected to following other gods (e.g. 7:4; 11:28; 28:14). Although the text does not specifically forbid foreign wives, this seems to be at least one of its concerns, probably both because foreign marriage alliances would enslave Israel to foreign ways and because the intimacy of marriage would lead to importing foreign worship. The latter is clearly a concern of Deuteronomy for foreign wives of ordinary Israelites (7:3-4). The law could also seek to avoid empowering an aristocracy within Israel over others through royal marriage within the nation.<sup>35</sup>

The final prohibition concerns the accumulation of silver and gold. No motive is given. One possibility is that a wealthy monarch implies a heavily taxed population, which would mean placing himself above his siblings (against v.20). Another possibility is Deuteronomy's general concern that wealth leads to a self-sufficiency that is inimical to loyalty to YHWH (cf. 6:11-12; 8:11-17). The three prohibitions of accumulation seem to reflect a coherent fear that apostasy naturally follows from too much power and interconnection with the surrounding nations.

The next two verses describe the single duty assigned to Israel's monarch: "When he has taken the throne of his kingdom (וְהָיָה כְּשִׁבְתוֹ עַל כִּסֵּא מַמְלַכְתּוֹ), he shall have a copy of this law (הַתּוֹרָה הַזֹּאת) written (כָּתַב, *qal*)<sup>36</sup> for him in the presence of the levitical priests (מִלְפָּנֵי הַכֹּהֲנִים הַלְוִיִּים).<sup>37</sup> It shall remain with him and he shall read in it all the days of his life" (17:18-19). Deuteronomy is silent about typical royal

(Nelson, *Deuteronomy*, 224). Tigay agrees, "By returning people to Egypt, the king would be nullifying God's promise" (Tigay, *Deuteronomy*, 167).

<sup>34</sup> Cf. Tigay, *Deuteronomy*, 167; Mayes, *Deuteronomy*, 272.

<sup>35</sup> Nelson, *Deuteronomy*, 224.

<sup>36</sup> The NRSV and JPS read the MT with a passive sense, following 11QTemple and *Tg. Jon*. Most interpreters read the active sense, e.g. "he shall write for himself a copy of this law" (NASB). Tigay claims the grammatical possibility of reading the MT as "he shall have written" while arguing that there is no reason to doubt that the king was to write it himself (Tigay, *Deuteronomy*, 374 n.76).

<sup>37</sup> The compound term מִלְפָּנֵי is variously rendered "in the presence of" (NRSV, NASB) or "taken from [the copy in the custody of]" (NIV, cf. RSV). In either case, the responsibility of the levitical priests over the text which the king must obey is clear (cf. Nelson, *Deuteronomy*, 213).

functions in the fields of economics, justice, cult, and warfare.<sup>38</sup> The wise administration of justice is the specific responsibility of judges and officers (שפטים, 16:18-20), the people ("you," 16:18; 17:10-11; "the witnesses," 17:7), the levitical priest, and the judge (הכהנים הלויים והשפט, 17:8-13), not the king.<sup>39</sup> It is surprising that there is no royal role in the exposition on warfare in Deut.20. The people (עם, vv.2, 5, 8-9), priest (כהן, v.2), and officers (שטרים, vv.5, 8, 9; שר, v.9) have roles in Deuteronomy's understanding of warfare, but not the king.<sup>40</sup> The king's primary responsibility is to be a student of תורה. The temporal prefix כִּי in v.18 should be read "as soon as,"<sup>41</sup> indicating that the king's first royal act is to copy the תורה. His entire reign is governed by the way of YHWH.<sup>42</sup> The levitical priests, to whom Deuteronomy entrusts the preservation and promulgation of the תורה (cf. 31:9-12), oversee the process, presumably to prevent tampering. The king's devotion to תורה continues after the writing: the words remain continually in his presence, on his lips, and in his actions throughout his reign (17:19).

The reason for this focus on תורה is clarified with a series of explanatory clauses:

...so that he may learn to fear (ירא) the LORD his God, diligently observing all the words of this law and these statutes (לשמר את־כל־דברי התורה הזאת ואת (החקים האלה לעשתם), neither exalting himself (רום־לבבו) above other members of the community nor turning aside (סור) from the commandment (המצוה), either to the right or to the left, so that he and his descendants may reign long over his kingdom in Israel. (17:19-20)

The governing verb is "fear," which in a treaty context means loyal submission and obedience.<sup>43</sup> Positively, this fear will lead him to keep (עשה + שמר) the תורה. Negatively, it will prevent him from exalting himself, which in itself leads to forgetting YHWH (cf. 8:14), but more to the point here, would also lead him to forget that he is one of a community of siblings (cf. v.15). A second negative result is that fear of YHWH will prevent him from turning from "the commandment" of YHWH, which is connected with turning to other gods.<sup>44</sup> This commandment to be loyal to YHWH alone is the first and most important commandment, for the king as well as the people.

<sup>38</sup> On the royal ideology of the ANE, cf. Levinson, "Reconceptualization," 512-8. Although Levinson reconstructs *historical* Israel as sharing this same royal ideology, he observes that Deuteronomy rejects it.

<sup>39</sup> McBride suggests that the king might have an implicit role in the official interpretation and enforcement of the law (McBride, "Polity," 241), though there is nothing in the passage to point in this direction beyond the king's commanded focus on the law.

<sup>40</sup> Nelson, *Deuteronomy*, 214.

<sup>41</sup> GKC. §164g.

<sup>42</sup> "Behind this requirement is the cultural concept of documents specially written for royal instruction (*ANET*, 414-20), but here the king in fact studies the same law as everyone else" (Nelson, *Deuteronomy*, 225).

<sup>43</sup> Cf. §2.2.1.

<sup>44</sup> Cf. §2.3.1.

Finally, fear of YHWH leads to the continuation of his dynastic reign.<sup>45</sup> His reign depends upon his loyalty to YHWH and is not guaranteed by the fact that he was once crowned. This is the same loyalty to YHWH required of the nation for continued life in the land.<sup>46</sup> There is an implied threat that YHWH will depose a disloyal king—YHWH is not identified with the king.

### 7.3.3 COMPARISON WITH ANE CONTEXT

Without doubt, Israel’s kingship is portrayed in Deuteronomy as an extraordinarily marginal institution. Compared with the ANE conception of kingship as ancient, divine, and indispensable, Deuteronomy’s king is mundane.<sup>47</sup> Mesopotamians, like Israelites, retained stories of a kingless period, but saw this as a chaotic time from which they were rescued when kingship came to them from heaven. But Deuteronomy sees Israel’s essential saving events—exodus and Horeb—as occurring during a kingless period, marginalizing the king relative to YHWH, who acts apart from the king.<sup>48</sup> If Egypt’s kings reigned as gods and Mesopotamia’s kings ruled as part of a divinely ordained order, Deuteronomy’s tradition sees kingship as something created by people within divine limits and permission.<sup>49</sup> Alt writes, “The monarchy is not presented [in Deuteronomy] as an essential in the life of the nation as Yahweh desired it. It is seen as an additional feature which was optional.”<sup>50</sup>

The relationship between the king and the law illustrates and clarifies this relatively optional role in Deuteronomy. While other ANE kings were the unchallengeable channel for the divine law that ruled the people, for Israel the law was established apart from any king through Israel’s encounter with YHWH. Levinson remarks on the contrast: “Such a systematic subordination of king, indeed of all public authorities, to a sovereign legal text that defines the powers of each and to which each is accountable, has no counterpart in the ancient Near East where, rather, under the standard royal ideology, it was the king who promulgated law.”<sup>51</sup> The king’s sole mandate was to devote himself to the same law that YHWH had given to the people.

<sup>45</sup> The mention of his descendants (הוא ובניו) reveals that dynastic rule is indeed in view here, rather than opportunistic leadership as under the judges.

<sup>46</sup> YHWH promises similar lengthened days (אָרְךָ [hiphil] + יָמִים) to the people for loyal obedience (4:40; 5:16, 33; 6:2; 11:9; 32:47; etc.).

<sup>47</sup> This characterization comes from Noth, “God,” 165.

<sup>48</sup> Frankfort, *Kingship*, 339.

<sup>49</sup> These divine limits are often violated within Israel’s canonical story, which is full of accounts of abuse of power by Israel’s kings, who are often criticized in terms of Deuteronomy’s commands.

<sup>50</sup> Albrecht Alt, “The Monarchy in the Kingdoms of Israel and Judah,” in *Essays on Old Testament History and Religion* (Oxford: Basil Blackwell, 1966), 241. For further development of the optional character of monarchy in Deuteronomy, cf. Gary N. Knoppers, “Rethinking the Relationship between Deuteronomy and the Deuteronomistic History,” *CBQ* 63:3 (2001): 398-9.

<sup>51</sup> Levinson, “Reconceptualization,” 532.

The public nature of the law means that the king is not self-legitimizing and that abuses of power can be critiqued by the people.<sup>52</sup> The law is not from him, nor does it empower him; it shapes and limits him. YHWH governs through law while Israel's neighbors understood their gods to rule through—or as—the king.<sup>53</sup>

Nelson concisely summarizes Deuteronomy's reduction of royal power:

The constitutional proposal [of 16:18-18:22] degrades the traditional roles and prerogatives of the king. The king is relegated to the middle of the list. Office-holders are installed not by the king, but by the citizenry ('you').... The king is no longer in charge of war (horses), no longer symbolizes the power and prosperity of the state (wives, possessions), is no longer at the center of international contracts (no trade or treaties sealed by marriage).<sup>54</sup>

Von Rad aptly notes, "Deuteronomy sees in kingship not an office which Yahweh could use for the welfare of the people, but only an institution in which the holder must live in a sphere of extreme peril."<sup>55</sup> Having a king is not forbidden Israel, but Deuteronomy presents kings as both risky and lacking any benefit for the nation.<sup>56</sup>

One might imagine that Moses, through his mediatory role, exercises power similar to ANE kings by functioning as the focal point for connecting the people to YHWH. However, beyond the temporary role of lawgiver and leader, he does not act as an ANE king. He consults the people on his proposed judicial reform (1:13-14).<sup>57</sup> He dies before the people settle in the land. He leaves no successor, for though Joshua leads in war, he does not promulgate law but is subordinate to the Mosaic law (31:7-8; 34:9; cf. Josh. 1:7-8). The foundational events of Horeb required that someone speak for YHWH—though note that YHWH begins by speaking directly with the people (5:23-31)—but this was not the normative model for governing Israel. YHWH promises future prophets like Moses (18:15-22),<sup>58</sup> but such prophets hardly compare with ANE kings and their far reaching, divinely sanctioned power.<sup>59</sup>

<sup>52</sup> Cf. Berman, "Constitution," 532.

<sup>53</sup> Miller insightfully suggests that the law's place in the ark highlights the close connection between YHWH and the law. Rather than the king, "the commandment ... is almost a surrogate for God" (Miller, *Deuteronomy*, 56-7).

<sup>54</sup> Nelson, *Deuteronomy*, 215.

<sup>55</sup> Von Rad, *Deuteronomy*, 120.

<sup>56</sup> Other OT texts provide a contrasting view that understands Israel's powerful king being potently aligned with YHWH (e.g. Pss. 2, 45, 72, 89, 110; 1 Chr. 29:23). The psalter, in particular, is willing to portray the king as a sacral figure. However, studies of the overall shape of the psalter indicate that, as a whole, the book describes the failure of the Davidic monarchy and the trustworthiness of YHWH's kingship (Gerald Henry Wilson, *The Editing of the Hebrew Psalter* [SBLDS 76; Chico, Calif.: Scholars, 1985], 209-28; cf. also J. Clinton McCann Jr. "Books I-III and the Editorial Purpose of the Hebrew Psalter," in *Shape and Shaping of the Psalter* [ed. J. Clinton McCann Jr.; JSOTSUP 159; Sheffield: Sheffield Academic, 1993], 93-107).

<sup>57</sup> Berman, "Constitution," 534.

<sup>58</sup> Although vv. 15, 18-19 refer to a single prophet, a multiplicity is likely in view. This is implied by the specification that the presumptuous prophet, "that prophet" (הַנְּבִיאַ הַהוּא), should die (v. 20). Such a one is presumably not the only prophet in view.

<sup>59</sup> Cf. Robert N. Bellah, "God and King," in *The Robert Bellah Reader* (Durham, N.C.: Duke University Press, 2006), 363-4.

In summary, kingship in Deuteronomy contrasts markedly with the ANE pattern. McConville notes, “Israel is to be distinct from the other nations at the precise point of kingship.”<sup>60</sup> The worship of other gods certainly entails a constellation of important societal differences from the worship of YHWH, but among them is a substantially different structure for power within the society.

#### 7.4 THE POLITICS OF “OTHER GODS”

Having considered the connection between divine power and the human monarch in the ANE and in Deuteronomy’s Israel, I now turn to the אלהים אחרים. How does the worship of them translate into the political realm?

##### 7.4.1 THE “OTHER GODS” IN DEUTERONOMY

I begin with a brief overview of Deuteronomy’s presentation of the אלהים אחרים. As described in §2.3.2, following other gods is connected with terrible consequences for Israel because of the anger and destruction it provokes from YHWH. Their danger is not in themselves—they are no real threat to YHWH—but in their allure to Israel.

The other gods are not free-floating philosophical concepts but are closely associated with the other nations (e.g. אלהים אחרים מאלהי העמים אשר סביבותיכם, “other gods, any of the gods of the peoples who surround you,” 6:14). Following other gods means pursuing something endemic to the nations surrounding—and in the midst of—Israel. If there is a significant sociopolitical component to following אלהים אחרים, it likely means abandoning Israel’s social model of God, king, and people for the model embraced by her neighbors. The gods of other nations promote centralized royal power while YHWH sharply limits the king’s power. So Israel following other gods would lead to one of two possible outcomes: either centralizing her national power in her own king in imitation of her neighbors or seeking alliance with the surrounding nations who wield concentrated power through their divinely-empowered monarchs. This remains a suggestion at this point, but examination of texts beyond Deuteronomy below will further the argument.

The whole covenant hangs on Israel eschewing other gods. Furthermore, serving YHWH and serving אלהים אחרים are seen in Deuteronomy as mutually exclusive. Turning from YHWH means serving אלהים אחרים and *vice versa*.<sup>61</sup> There is no third option of serving nothing. This observation accords with the suggestion of power

<sup>60</sup> McConville, *Deuteronomy*, 295.

<sup>61</sup> E.g. 8:19, where forgetting YHWH is equated with following other gods.

politics and the gods, since power cannot simultaneously be concentrated according to the model of the nations and distributed according to the commandments of Deuteronomy.

The sermon of Deut.4 draws a connection between a nation's god(s) and the societal order that results (vv.7-8). A significant aspect of YHWH's presence is the distinctive law and society it generates.

It is intriguing that the uniqueness of YHWH among all other gods is such a strong theme of Deuteronomy (e.g. 4:5-8, 32-39; 32:31, 37-39) and that the power politics of Deuteronomy are so often cited as the predominant societal difference between the book's view of Israel's life and the surrounding ANE perspective. When so much of the legal corpus has parallels with surrounding nations, the unique view of royal power is all the more striking.

Power stands in ironic relationship with the אלהים אחרים in Deuteronomy. They seem to promise useful power for Israel but YHWH assures her that they do not. For example, in the sermon of Deut.8, Israel is warned not to celebrate her own power (כח, 8:17), for YHWH gives power (כח, 8:18) for producing wealth. In the next verse (8:19), Israel is warned not to follow אלהים אחרים, for this will lead to her destruction by YHWH. Israel seeking power apart from YHWH is juxtaposed with following אלהים אחרים and leads to fatal weakness before YHWH. Following אלהים אחרים is also linked with drought, which again emphasizes Israel's powerlessness to provide for herself (11:16-17). Although other nations follow אלהים אחרים in order to gain power through wealth and rain,<sup>62</sup> for Israel, such attempts to gain favor from them will result in destruction. Only in the Song of Moses are the gods allotted to other nations (32:8) given sufficient credibility for YHWH to comment explicitly on their powerlessness (32:27-38). Just beneath the surface of all of these texts is the view that the אלהים אחרים offer sustaining power—and can possibly deliver such for other nations—but only exclusive loyalty to YHWH will give Israel success. Thus, it is reasonable to refer to Israel's turning to the אלהים אחרים as a deception (פתה, 11:16) since appearance and reality do not coincide. The other gods offer only illusory power to Israel.

Finally, consider the connection between the אלהים אחרים and the destruction of Israel at YHWH's hand. In the historical texts considered below, Israel attempts to secure herself through the אלהים אחרים and the associated centralization of power and

<sup>62</sup> In Mesopotamia, the king "is instrumental in procuring for the community the boon of a harmonious integration with nature" (Frankfort, *Kingship*, 318). Likewise in Egypt, the pharaoh was responsible for "maintaining Maat, the right order which allowed nature to function unimpaired for the benefit of man. Hence the Nile rose effectually at the inundation so that the arable land reached its maximum extent and the people prospered" (Frankfort, *Kingship*, 57-8).

alliance with other nations. But these lead to her downfall, even if there is initial success. YHWH is committed to ensuring that Israel's attempts to grasp at such power will fail. She may choose to embrace the manipulation of power within her own nation and in external alliances, but she will eventually lose in such power games, even if success comes temporarily.

Modern readers have difficulty understanding the lure of the other gods, but this may be rendered understandable if the lure of power—an obvious feature of (post-) modern life—is connected to these gods. While this survey of the אלהים אחרים in Deuteronomy has not been at all conclusive, a loose connection between the אלהים אחרים, the ways of other nations, wealth, and power is discernible.

#### 7.4.2 THE "OTHER GODS" IN THE CANONICAL HISTORY

Since it is difficult to develop an understanding of the אלהים אחרים from Deuteronomy alone, it is worthwhile to survey some of their appearances in the canonical histories beyond this one book. It is widely acknowledged that there are significant differences between viewpoints of different texts within the OT, so in the consideration of these texts I note ways that they share concerns with Deuteronomy. The agreement on some basic issues about the אלהים אחרים provides some reassurance that any differences are not absolutely fundamental, but that the different texts can complement one another.<sup>63</sup> Note that I continue to work primarily with the final, canonical texts and the interpretations of history presented within them, rather than purported "pre-Deuteronomistic" or other sources that may offer alternative interpretations. While many commentators understand a "Deuteronomistic Historian" or other redactors to have distorted earlier evaluations of Israel's and Judah's histories,<sup>64</sup> it is precisely the viewpoint(s) of the canonical text that are of interest here.

Although the question of the politics of the אלהים אחרים seems worthy of an exhaustive study, space limits the present work to an examination of particularly important texts. I consider Joshua's farewell speech, the institution of Israel's monarchy, and the reigns of Solomon, Jeroboam, Ahaz, and Hezekiah. I argue for a correlation between the worship of the אלהים אחרים and the concentration of national and manipulation of international political power.

<sup>63</sup> Of course the strong connections between Deuteronomy and Joshua-Kings has long been recognized, leading to the common designation of these books as the "Deuteronomistic History." My inclusion of texts from Chronicles may be more controversial, though these books also share important themes with Deuteronomy (cf. Knoppers, "Rethinking," 395-6).

<sup>64</sup> E.g. the "reversed" portrayals of Manasseh and Josiah in Lester L. Grabbe, ed. *Good Kings and Bad Kings* (London: T&T Clark, 2005), 381.

7.4.2.1 *Joshua*

In his farewell speech, Joshua warns that YHWH will fulfill his promised destruction of Israel if she serves other gods (אלהים אחרים, Josh.23:16). Following Deuteronomy's language (cf. Deut.11:17), if Israel transgresses the covenant in such a way, "the anger of the LORD will be kindled against you, and you shall perish quickly from the good land that he has given to you" ( וחרה אף־יהוה בכם ואברתם מהרה מעל הארץ הטובה ) ( Josh.23:16). Earlier in the speech, Joshua has warned Israel not to mix with the nations and serve their gods (Josh.23:7). For if she does, not only will she lose YHWH's supporting power to drive them out of the land, but also "they (i.e. the nations) shall be a snare and a trap for you, a scourge on your sides, and thorns in your eyes, until you perish (אבר)..." (Josh.23:13). The text contrasts clinging (דבק, Josh.23:8) to YHWH, not with clinging to the gods of the nations, but rather to the nations themselves (דבק, 23:12). And Israel's destruction will be by those same nations, not their gods (Josh.23:13). Alliance with other nations and their gods leads to destruction at the hands of those nations. The religious and political are intertwined both in illicit partnership and the resulting downfall.

7.4.2.2 *Demanding a King and Serving "Other Gods" (1Sam.8)*

A pivotal passage referring to the אלהים אחרים is 1Sam.8, where the elders of Israel ask Samuel to give them a king (vv.5-6; cf. Deut.17:14). Although a political request—the text does not mention worship or cult—YHWH considers it to be a choice against him and for other gods. By asking for "a king to govern us, like other nations" (v.5), YHWH understands Israel's elders to "have rejected me [i.e. YHWH] from being king over them" ( אחי מאסו ממלך עליהם, v.7). He goes on to say that this is another example of Israel "forsaking me and serving other gods" ( ויעזבני ויעבדו אלהים אחרים ) (v.8). The elders' political request for a king to govern and fight for them "like other nations" (vv.19-20), as YHWH sees it, also amounts to a theological shift in loyalty from YHWH to אלהים אחרים.

YHWH instructs Samuel to heed their request, but to give a warning about the implications of their new political structure:

These will be the ways of the king who will reign over you: he will take your sons and appoint them to his chariots and to be his horsemen, and to run before his chariots; and he will appoint for himself commanders of thousands and commanders of fifties, and some to plow his ground and to reap his harvest, and to make his implements of war and the equipment of his chariots. He will take your daughters to be perfumers and cooks and bakers. He will take the best of your fields and vineyards and olive orchards and give them to his courtiers. He will take one-tenth of your grain and of your vineyards and give it to his officers and his courtiers. He will take your male and females slaves, and the best of

your cattle and donkeys, and put them to his work. He will take one-tenth of your flocks, and you shall be his slaves (תהיו־לו לעבדים). (8:11-17)

If Deuteronomy is concerned with preventing Israel's king's acquisitiveness (Deut.17:16-17), YHWH and Samuel here seem to see such activity as inevitable once Israel adopts a monarchical system. Possibly, YHWH and Samuel understand the elders to intend to have precisely such a king because they believe such a concentration of power to be advantageous. The final words of Samuel's warning are that Israel will return to slavery—the very thing from which YHWH rescued her—but this time not to an Egyptian pharaoh-god but to her own king and his אלהים אחרים.

Although the explicit reason for the elders' request is that Samuel's sons—appointed to succeed him in v.1—do not follow in Samuel's ways (v.5), Eslinger contends that the political difficulties encountered in chs.1-7 of the book, most importantly the ark narrative in chs.4-7, have been overwhelming enough that the elders are willing to pay the price that Samuel narrates to them:

Yahweh's actions in chs.1-7 are to be understood as actions of the divine king. The people now reject him as king because they do not want a repetition of such actions on the part of the divine monarch. They reject him and his government because of the inherent dangers and weaknesses of the theocratic constitution.<sup>65</sup>

Israel's elders endorse (vv.19-20) the concentration of power in the king that Samuel describes (vv.11-17) and the resulting distance from YHWH (v.18) presumably because the strength of a centralized political monarchy seems necessary for security.

The decision to follow אלהים אחרים instead of YHWH necessarily implies the centralization of, multiplication of, and dependence upon political power. Samuel predicts, "You will cry out because of your king, whom you have chosen for yourselves; but the LORD will not answer you in that day" (v.18), for Israel is replacing the power of YHWH with the centralized power of אלהים אחרים.

This passage is the first clear case where political power and serving אלהים אחרים are coordinated. The primary implication of the אלהים אחרים here is neither cultic nor mythological but concerns the concentration of political power under the king. Mendelsohn compares Samuel's characterization of the king here with Canaanite documents and concludes, "There is good reason to assume that the Samuel account is an authentic description of the semi-feudal Canaanite society as it existed prior to and during the time of Samuel."<sup>66</sup> He finds every aspect of monarchy that Samuel denounces (establishment of a standing army of conscriptees and professionals,

<sup>65</sup> Lyle M. Eslinger, *Kingship of God in Crisis: A Close Reading of 1 Samuel 1-12* (BLS 10; Sheffield: Almond, 1985), 263.

<sup>66</sup> I. Mendelsohn, "Samuel's Denunciation of Kingship in the Light of the Akkadian Documents from Ugarit," *BASOR* 143 (1956): 18. Cf. also I. Mendelsohn, "On Corvée Labor in Ancient Canaan and Israel," *BASOR* 167 (1962): 31-5.

accumulation and preferential distribution of crown lands, taxation, and corvée labor) in 18-13<sup>th</sup> century B.C.E. Canaanite documents. It seems clear that the message presented in this text is a choice between the apparent political weakness of Deuteronomy that follows from trusting the power of YHWH and immersion into ANE power politics by centralizing political power in a monarchical form imported from Israel's neighbors. The third option of limiting the king's power as described in Deut.17 is not considered.

#### 7.4.2.3 Solomon Turns to "Other Gods" (1Kgs.9, 11)

The relationship between the narrative evaluations of Solomon's reign and the norms of Deuteronomy is a controversial topic. Some tightly connect the Kings account to Deut.17:14-20, while others see a different norm at work.<sup>67</sup> I do not seek to resolve that debate here, but rather consider the relationship between the אלהים אחרים—arguably the primary concern of Deuteronomy—and Solomon's use of political power as described in the Kings account.

The אלהים אחרים are mentioned in two episodes of Solomon's reign: the second dream theophany (9:1-9) and Solomon's disloyalty (11:1-13). Williams notes that the phrase provides a thematic frame around the second half of Solomon's story in 9:1-11:13.<sup>68</sup> The first occurrence is in a warning from YHWH where he conditionally promises to continue David's dynasty through Solomon (9:4-5) if he, like David, walks with integrity of heart and uprightness, which means obeying YHWH's commands (9:4).<sup>69</sup> This condition is then stated in negative form (9:6) by warning that if he or his

<sup>67</sup> The foundational work for connecting some form of Deuteronomy to the royal histories is Noth, *Deuteronomistic History*. Knoppers argues for a different norm, but summarizes the other position with a useful bibliography (Gary N. Knoppers, "The Deuteronomist and the Deuteronomic Law of the King: A Reexamination of a Relationship," *ZAW* 108 [1996]: 331-3).

<sup>68</sup> David S. Williams, "Once Again: The Structure of the Narrative of Solomon's Reign," *JSOT*:86 (1999): 60. The structure of the narrative is controversial. Noth suggests that 1Kgs.9-11 be understood as Solomon's apostasy rather than the traditional reading that limits such to ch.11 (Noth, *Deuteronomistic History*, 60). This suggestion is further developed by K.I. Parker, "Repetition as a Structure Device in 1 Kings 1-11," *JSOT* 42 (1988): 19-27. Frisch notes that chs.9-11 should not be completely separated from chs.6-8 because of the common theme of the temple and proposes a different structure (Amos Frisch, "Structure and Its Significance: the Narrative of Solomon's Reign [1 Kings 1-12.24]," *JSOT* 16:51 [1991]: 5-6). But Parker insists that "a second time" (9:2, cf. 3:5) is a strong marker for the beginning of a narrative unit (Kim Ian Parker, "The Limits to Solomon's Reign: A Response to Amos Frisch," *JSOT* 51 [1991]: 19.). Williams attempts to integrate several possible structures for the narrative.

<sup>69</sup> It is worth noting that Mendenhall sees Israel's monarchy as subverting Israel by turning the nation to the political models of other nations and concomitant worship of other gods. He argues that this twisting of YHWH's vision is so deep that YHWH's apparent approval of the institution of monarchy gains an illicit place in Israel's scriptures, which thus contain promises to and justifications of Israel's monarchy (e.g. Nathan's promise to David in 2Sam.7) (George E. Mendenhall, "The Monarchy," *Int* 29 [1975]: 155-70). But a canonical reading cannot so subvert the (conditional) approval YHWH gives to the monarchy, while possibly agreeing with many of the critiques of the monarchy that Mendenhall champions. For a more integrative approach to the canon's view of Israelite monarchy, see Walter Brueggemann, "Trajectories in Old Testament Literature and the Sociology of Ancient Israel," *JBL* 98:2 (1979): 161-85.

descendants turn from following YHWH (אם־שוב תשבון...מאחרי),<sup>70</sup> do not keep his commands, "but go and serve other gods and worship them" (והלכתם ועברתם אלהים) (אחריים והשתחוויתם להם), that Israel and the temple will be destroyed (9:7-8). Solomon is brought fully under the requirements of YHWH's commands, primarily the command to avoid other gods. As in Deut.17:18-20, the king must observe the law. Verse 9 warns that Israel's destruction will be a result of forsaking (עזב) YHWH and embracing (חזק, *hiphil*)<sup>71</sup> other gods (אלהים אחריים). The themes of Deuteronomy come through as Solomon faces the same choice presented to Israel: obedience to YHWH's law leads to continuing existence of the nation, while following אלהים אחריים will result in destruction.

In the second episode (1Kgs.11:1-13), Solomon is condemned for failing to heed YHWH's warning about the אלהים אחריים, which is explicitly noted in 11:10. Solomon loves (אהב) many foreign women (נשים נכריות רבות); he clings to them in love (דבק) (שלמה לאהבה) (11:1-2). Verse 2 notes that such intermarriage was forbidden to all Israelites (cf. Deut.7:3) and the king is under the same law as the rest of Israel.<sup>72</sup> Although the terms אהב and דבק can refer to sexual attraction (e.g. Gen.34:3), here it probably refers to loyalty in treaty relationships<sup>73</sup> with the nations for which these women were royalty (note the designation שרונה, "princesses," v.3). Before YHWH's first appearance to Solomon, the narrator notes that "Solomon loved (אהב) the LORD, walking (ללכת) in the statutes of his father David" (1Kgs.3:3), but now "King Solomon loved (אהב) many foreign women" (1Kgs.11:1) and "Solomon followed (יילך שלמה) (אחרי) Astarte the goddess of the Sidonians, and Milcom the abomination of the Ammonites" (1Kgs.11:5). Solomon's transfer of love from YHWH to foreign wives parallels his change of course from following YHWH's statutes to following after foreign gods. As in Deuteronomy, Solomon's deeds are labeled as "(the) evil in the sight of the LORD" (הרע בעיני יהוה, v.6).

But what can be said of Solomon's political activities in chs.9-10, which occur between YHWH's warning and Solomon's apostasy? Although commentators argue whether or not the narrator condemns these activities or only those of ch.11, my point is the indisputable correlation of Solomon's multiplication of power with his turning to אלהים אחריים. The two go together even if one interprets Solomon's accomplishments

<sup>70</sup> Note the unusual use of שוב to indicate turning from YHWH's ways, rather than the more common כור.

<sup>71</sup> The choice of חזק seems emphatic about the strength of Israel's grasp on the אלהים אחריים.

<sup>72</sup> Knoppers argues that Solomon is condemned based on the general prohibition of foreign marriage (Deut.7:3; Josh.23:11-13) rather than the royal prohibition on multiplied wives (Deut.17:17), but regardless, the result is the feared turning to other gods (Knoppers, "Deuteronomist," 343-4).

<sup>73</sup> Cf. §2.2.1.

positively. However, I will argue that the narrator condemns this multiplication of power while noting its temporary efficacy until Solomon's apostasy is complete and YHWH intervenes.

The tone of 9:10-10:29 is celebratory as Israel amazingly rises from a loose population of peasants to a kingdom displaying impressive wealth and power. Solomon is clearly an international player, involved in the power exchanges represented by royal favors (9:11, 14; 10:2, 10, 13, 25) and the economic power exchanges of international trade (9:26-28; 10:11, 15, 22). There is no condemnation of anything Solomon does in these two chapters, but there is a sense of foreboding in the celebration for, as Brueggemann comments,

The criteria of a 'successful king' in vv. 1-9 indicates [*sic*] nothing about trade or buildings or alliances or organization. It all turns on the single point of Torah obedience, that is, upon the ordering of social relationships according to the covenantal vision of Moses. If we take this seriously, we may suggest that the Torah-principle functions in the final form of the text as a severe critical principle that regards Solomon's considerable achievements not as admirable but as deeply opposed to the demands of Torah.<sup>74</sup>

Frisch also notes the implied criticism of Solomon's achievements, which "indeed constitute part of the fulfilment of the promises made to Solomon in his vision at Gibeon—but [the author/editor] also sees the other side of the splendour, the injury to religious ideals which has accompanied these achievements."<sup>75</sup>

Solomon gives away part of Israel's territory to Hiram as a royal gift, with no regard for the Israelites who dwell there, revealing "astonishing royal power in which whole populations are viewed as pawns of royal wish."<sup>76</sup> Transferring away someone else's land hardly seems in accord with not "exalting himself above other members of the community" (Deut. 17:20). He builds impressive structures, but with forced labor (9:15) that recalls Samuel's warning (1 Sam. 8:16).<sup>77</sup> He builds an impressive chariot and cavalry army (10:26), but violates Deut. 17:16. Even more suspicious is the explicit statement that Solomon procured his horses from Egypt (10:28-29; cf. Deut. 17:16).<sup>78</sup> The text seems to celebrate Solomon's role as horse trader, acting as middleman between Egypt and the kings of the Hittites and Aram (10:29), but such a position

<sup>74</sup> Walter Brueggemann, *1 & 2 Kings: A Commentary* (SHBC 8; Macon, Ga.: Smyth & Helwys, 2000), 128.

<sup>75</sup> Frisch, "Structure," 13.

<sup>76</sup> Brueggemann, *Kings*, 123.

<sup>77</sup> Parker notes the repetition of the Hiram and forced labor themes from the first half of Solomon's reign (cf. 1 Kgs. 5:15-26 [Eng. 1-12]; 5:27-32 [Eng. 13-18]), but now with a shadow of abuse, which he believes absent from the first instances (K.I. Parker, "Solomon as Philosopher King? The Nexus of Law and Wisdom in 1 Kings 1-11," *JSOT* 17:53 [1992]: 79-81, 83-4).

<sup>78</sup> *BHS* suggests emending מִצְרַיִם to מִצְרָיִם but is refuted by Hayim Tadmor, "Que and Muṣri," *IEJ* 11 (1961): 143-50.

clearly makes him dependent upon Egypt—a form of economic enslavement. The passage is littered with gold; “Solomon is a king who accumulates gold in extraordinarily large amounts—amounts that increase as we read (120 talents in 9:14; 420 in 9:28; 666 in 10:14).”<sup>79</sup> There is a tension here between the prohibition against multiplying gold in Deut.17:17 and YHWH’s promise to enrich Solomon in 1Kgs.3:13.<sup>80</sup> Is Solomon extraordinarily blessed or deeply disobedient? The reader does not know until 1Kgs.11.

The Queen of Sheba’s visit is an impressive royal meeting, but the concerns of the common Israelites are completely eclipsed by court opulence (10:4-5). “Happy are these your servants, who continually attend you and hear your wisdom!” she proclaims (10:8), but this is more of a statement of Solomon’s ability to reward his close circle than of his provision of a prosperous land for the peasantry. A complaint by “all Israel” after Solomon’s death about the oppressiveness of his policies reveals that the people were not entirely benefiting from their king’s luxury (1Kgs.12:1-4). The queen’s highest praise of Solomon concludes her speech: “Because the LORD loved Israel forever, he has made you king to execute justice and righteousness” ( באהבת יהוה את־ישראל ) ( לעלם וישמך למלך לעשות משפט וצדקה, 10:9). Indeed, משפט וצדקה are critical for any state and every state seeks them, but the content of the words varies from culture to culture. For the Assyrians, they meant the domination of every nation under the universal Assyrian empire, which would eliminate chaos and provide “order, protection, tranquility, abundance and joy.”<sup>81</sup> But for Deuteronomy’s Israel, the picture is much more of a nation living in peace and prosperity within its borders under YHWH. Is Solomon acting like an Israelite or as the king of one of the other nations? Is he worshipping YHWH or אלהים אחרים?

The observant reader knows that Solomon has violated all but one of the instructions of Deut.17:16-17. There has been no mention of him multiplying wives.<sup>82</sup> This final commentary on Solomon becoming like the kings of other nations is delayed until 11:1 because it introduces the fundamental condemnation of Solomon’s ways: “his wives turned away [lit. ‘inclined’] his heart after other gods” ( נשיו הטו את־לבבו אחרי ) ( אלהים אחרים, 11:4).<sup>83</sup> Failings of other sorts can be worked out somehow, but turning

<sup>79</sup> Iain W. Provan, *1 and 2 Kings* (OTG; Peabody, Mass.: Hendrickson, 1995), 85. Note that 10:10 is an exception.

<sup>80</sup> Knoppers’ argument that the blessing indicates a rejection of Deut.17:17 (Knoppers, “Rethinking,” 410-1) flattens the text, for YHWH’s promise is contingent on Solomon’s loyalty (1Kgs.3:14), even if this verse only explicitly refers to long life and not riches.

<sup>81</sup> Oded, *War*, 174 (cf. pp. 163-76).

<sup>82</sup> Cf. Provan, *Kings*, 87-8.

<sup>83</sup> Brettler notes the verbal links between 1Kgs.11:1 and the wives prohibition of Deut.17:17 (Marc Brettler, “The Structure of 1 Kings 1-11,” *JSOT* 16:49 [1991]: 91-2).

to the אלהים אחרים—clearly and repeatedly emphasized in Deuteronomy and beyond—triggers YHWH's anger (11:9) and destructive power (11:11-13). The rhetoric of Solomon's rise to prominence as an international powerhouse has been left unevaluated until its natural course brings him to be revealed as an apostate who has turned from YHWH to the אלהים אחרים.<sup>84</sup> Mendenhall writes, "It must be emphasized as strongly as possible that by the end of Solomon's regime the Jerusalem state was a thoroughly paganized Syro-Hittite regime and was condemned as intolerable by the prophets, who represented the continuity of the Yahwist tradition."<sup>85</sup> Knoppers supports Solomon, arguing that the author is "promot[ing] the unstinting success of Solomon's administration" by recounting Israel's success, commerce, security, prosperity, grandeur, international prestige, wealth, and job growth.<sup>86</sup> He goes on to observe that the depiction of Solomon's "glory" is "consistent with ancient Near Eastern royal propaganda."<sup>87</sup> But becoming the epitome of success in the eyes of other ANE kings means being a failure in the eyes of YHWH.<sup>88</sup>

Though the concentration of internal power and manipulation of external power in Solomon's monarchy lie in complex relationship to the אלהים אחרים, they are undeniably present together. The text highlights the cultic changes that follow from Solomon's new loyalties as he builds high places for other gods (11:7-8), but the text of chs.9-10 have already revealed idolatrous use of power that is ultimately revealed in the cult. A king like those of other nations disregards תורה and acts like these other monarchs: building and wielding power both at home and abroad and serving אלהים אחרים. Though "success" may result for a time from such disloyalty, the apparent glory of Solomon is "a sham that cannot be sustained."<sup>89</sup>

#### 7.4.2.4 Jeroboam Uses "Other Gods" to Preserve His State

Jeroboam I of Israel is depicted as the prototype for all future evil kings, who are regularly accused of following in his ways. As expected, the אלהים אחרים are central to Jeroboam's censure. The prophet Ahijah brings YHWH's words of condemnation: "You have done evil above all of those who were before you and have gone and made for yourself other gods (ותעשה-לך אלהים אחרים), and cast images, provoking me to

<sup>84</sup> Knoppers argues that Solomon's negative evaluation is based not on accumulation but illicit cults (Knoppers, "Rethinking," 409-10). He fails to note that accumulation and worship are linked: by Deuteronomy's logic, Solomon's power lays the foundation for his apostasy.

<sup>85</sup> Mendenhall, "Monarchy," 160.

<sup>86</sup> Knoppers, "Deuteronomist," 341-2.

<sup>87</sup> Knoppers, "Deuteronomist," 342.

<sup>88</sup> Deut.4:6 approves of other nations applauding Israel, but because of her wise laws, not because of her rich and powerful kings.

<sup>89</sup> Walter Brueggemann, *Solomon: Israel's Ironic Icon Of Human Achievement* (SPOT; Columbia : University of South Carolina Press, 2005), 155.

anger (להכעיסני), and have thrust me behind your back” (1Kgs.14:9). As in Deuteronomy, association with the אלהים אחרים provokes (כעס, *hiphil*) YHWH’s anger.<sup>90</sup> Likewise, there is a mutually exclusive relationship with the אלהים אחרים—connection to them implies dissociation from YHWH.

Jeroboam’s deeds certainly include cultic acts: making two golden calves that he sets up in Bethel and Dan for Israel’s worship,<sup>91</sup> building houses on the high places, forming his own priesthood, and devising his own religious festival (1Kgs.12:28-33; 13:33).<sup>92</sup> However, it is noteworthy for my argument that his cultic innovations follow from perceived political necessity:

And Jeroboam said to himself, “Now the kingdom may well revert to the house of David. If this people continues to go up to offer sacrifices in the house of the LORD at Jerusalem, the heart of this people will turn again to their master, King Rehoboam of Judah; they will kill me and return to King Rehoboam of Judah.” (1Kgs.12:26-27)

Jeroboam adjusts his cult to secure his kingdom: “He said to the people, ‘You have gone up to Jerusalem long enough. Here are your gods, O Israel, who brought you up out of the land of Egypt’” (1Kgs.12:28). Ellul claims, “The sin of Jeroboam was precisely that he made theological and religious decisions regarding the true God for political reasons, thus subordinating the spiritual life of the people to political necessity, orienting its worship, not to another lord, but according to the demands of politics.”<sup>93</sup> While he probably goes too far by writing that this is “precisely” Jeroboam’s sin, the text does coordinate his religion and politics: he turns to אלהים אחרים to consolidate his political position and his nascent state. Indeed, Jeroboam acts shrewdly by placing the calves at the northern and southern extremities of the realm (12:29-30) so that worship at Jeroboam’s new shrines was more convenient than Jerusalem for every citizen.

Though the text’s focus is undeniably on Jeroboam’s cultic sins, it also makes clear an explicit causality between his political needs and his religious decisions that

<sup>90</sup> Cf. §2.3.2.

<sup>91</sup> The historical meaning, innovativeness, and implications of Jeroboam’s calves are controversial, with possible interpretations including hearkening back to earlier traditions (cf. following note), providing an analogous throne to Judah’s cherubim (William Foxwell Albright, *From the Stone Age to Christianity: Monotheism and the Historical Process* [Baltimore: Johns Hopkins University Press, 1940], 229-30), or the worship of other gods (Eva Danelius, “The Sins of Jeroboam Ben-Nabat,” *JQR* 58:2 [1967]: 95-114). However, the present account clearly indicts Jeroboam of disloyalty to YHWH and turning to אלהים אחרים.

<sup>92</sup> Historians regularly seek to recover an account and evaluation of Jeroboam’s reign that is “untainted” by what is understood to be a “Deuteronomistic” polemic against the northern kingdom that dominates the canonical text. One approach is to reconstruct an account of him restoring old traditions and practices that predate a later Jerusalem-centric Davidic dynasty and the centralization insistence of Deuteronomy. E.g. “Measured by 10<sup>th</sup>-century N Israelite standards, Jeroboam’s actions sought to restore N traditions and practices. But measured by the later standards of the Deuteronomist, Jeroboam’s religious system represented a departure from true Yahwism” (Carl D. Evans, “Jeroboam,” *ABD*, 3:744).

<sup>93</sup> Jacques Ellul, *The Politics of God and the Politics of Man* (trans. Geoffrey W. Bromiley; Grand Rapids: Eerdmans, 1972), 125.

amount to turning to אלהים אחרים. Solomon is portrayed with an ambiguous correlation between his seduction to serve אלהים אחרים and abuse of his royal power, but with Jeroboam the connection is transparent. Brueggemann comments,

According to the text, the matter of rival shrines was a purely pragmatic issue, not at all impinged upon by piety, a judgment not difficult to accept given the calculating prehistory of Solomon.... The religious enterprise of Jeroboam, necessary to the political establishment of the North, is condemned in principle by the normative Deuteronomic opinion that governs 1 Kings 12.<sup>94</sup>

What begins as YHWH's gift of rule over the new northern kingdom (14:7-8) turns into Jeroboam grasping at political strength through the אלהים אחרים. These other gods secure YHWH's gift in a manner that effectively thrusts YHWH behind his back (14:9). While his is not comparable with Solomon's fabulous and mature multiplication of royal power, Jeroboam's narrative is concerned with his formative first steps toward securing his rule. YHWH's power is not enough for Jeroboam to rule YHWH's people, so he turns to אלהים אחרים for the power he thinks he needs and can gain from them.

#### 7.4.2.5 Ahaz's Desperation for "Other Gods"

The Kings account of Ahaz's reign does not contain the phrase "אלהים אחרים," but it does appear in Chronicles, where his condemnation is summarized, "In every city of Judah he made high places to make offerings to other gods (אלהים אחרים), provoking to anger (כעס, *hiphil*) the LORD, the God of his ancestors" (2Chr.28:25).

Deuteronomy's formula of אלהים אחרים and provocation of YHWH is present here. Though described in cultic terms here, two verses earlier, Ahaz's political motives are highlighted in connection to other gods: "He sacrificed to the gods of Damascus, which had defeated him, and said, 'Because the gods of the kings of Aram helped them, I will sacrifice to them so that they may help me.' But they were the ruin of him, and of all Israel" (2Chr.28:23). Ahaz attempts to gain power over his enemies by manipulating other gods.<sup>95</sup> Within the canonical context there is no doubt that this strategy is doomed, but the irony is pointed here: Ahaz seeks political gain from the אלהים אחרים but finds political devastation.

Bearing this summary from Chronicles in mind, I focus on the narrative of 2Kgs.16 to uncover the details of Ahaz's reign. As expected, his reign is summarized

<sup>94</sup> Brueggemann, *Kings*, 160-1.

<sup>95</sup> It is noteworthy that this passage (at least on the surface) attributes real power to the gods of Damascus, even in the words of the narrator and not just in Ahaz's speech. The grammar is clear that the antecedent of "which had defeated him" is "gods" and not "Damascus." The final statement, "they were the ruin of him," is less transparent, for the worship of אלהים אחרים can lead to YHWH's destructive anger without necessitating any power in these other gods.

negatively by the author of Kings: "He did not do what was right<sup>96</sup> in the sight of the LORD his God" (וּלְאֶ־עֲשֶׂה הַיָּשָׁר בְּעֵינֵי יְהוָה אֱלֹהָיו), rather he "walked in the way of the kings of Israel" (v.3). Expanding on this generalization, Ahaz is described as making his son to pass through the fire and offering sacrifices "on the high places, on the hills, and under every green tree" (vv.3-4). But beyond these cultic acts his story also involves significant political intrigue. When Rezin and Pekah besiege Ahaz (vv.5-6), he commits himself to Assyrian king Tiglath-pileser, swearing the loyalty of a vassal ("I am your servant and your son," עֲבַדְךָ וּבִנְךָ אֲנִי, v.7) in order to convince Tiglath-pileser to rescue him. To secure this favor, Ahaz takes silver and gold from both YHWH's house and his own to send a present to him (v.8). While such a sacking of YHWH's temple may be read as a pragmatic action to gather funds for the required gift, Brueggemann notes the significance of the action: Ahaz "had exchanged the sovereignty of Yahweh for the sovereignty of Assyria.... It followed that [Ahaz] must take the valuables dedicated to Yahweh...and rededicate them to the new overlord, Tiglath-pileser and his imperial gods."<sup>97</sup> The Assyrians understood their gods to endorse an Assyrian world empire with their king being the instrument of its creation and maintenance. Ahaz's gift to Tiglath-pileser in order to bring Judah into this family of nations is inseparable from endorsing Ashur as the Great God and Tiglath-pileser as the Great King.<sup>98</sup>

When Ahaz goes to meet Tiglath-pileser—undoubtedly to express his gratitude and his concomitant loyalty—in Damascus, the capital of his now-defeated enemy Rezin, he is so impressed by the altar he finds there that he orders a copy be placed in YHWH's temple (vv.10-16). This is most likely a Syrian altar<sup>99</sup> whereby Ahaz is following the pagan model of incorporating the gods of a defeated enemy into the conqueror's national pantheon.<sup>100</sup> The gods of Syria have aided the victorious Ashur and abandoned the Syrian people to destruction by Tiglath-pileser. These Syrian gods thus now provide aid to all of the loyal nations of the Assyrian empire. Ahaz seems to have joined the pagan nations' ways with enthusiasm. He apparently still worships YHWH, but in syncretistic fashion that endorses the ways of the nations. In the face of danger, Ahaz has (apparently) found security for himself and the nation through the

<sup>96</sup> Instead of doing "the evil" (הָרַע), Ahaz is described as not doing "the upright" (הַיָּשָׁר). This description is also used for Solomon (1Kgs.11:33) and Jeroboam (1Kgs.14:8).

<sup>97</sup> Brueggemann, *Kings*, 470.

<sup>98</sup> I do not claim that Ahaz adopts Assyrian cultic practice, but rather that the political act of subordination and tribute communicates a theological position of endorsing Assyrian religio-political dominance, at least in the eyes of the Assyrians, if not in Ahaz's own understanding. On the question of the Assyrians imposing cultic practice on their vassals, see John W. McKay, *Religion in Judah under the Assyrians: 732-609 BC* (SBT 2, 26; London: SCM, 1973).

<sup>99</sup> On the question of the identity of the altar, see McKay, *Religion*, 5-12.

<sup>100</sup> Cf. §7.2.2.

worship of אלהים אחרים that grant him a safe place in the power structures of the day. But this perceived safety comes with the price of submitting to Assyria and offending YHWH.

Ahaz's actions are likened to "the way of the kings of Israel" (2Kgs.16:3). Like Jeroboam, Ahaz manipulates religion against the command of YHWH for the (supposed) security of the nation. Ellul writes, "Ahaz's objective is the same as that of Jeroboam but with a slant to foreign policy rather than domestic policy.... There is the same exploiting of a god who is useful to the state, who can be an instrument of policy."<sup>101</sup> Ahaz's ironic move successfully saves YHWH's nation from destruction by shifting national loyalty away from YHWH and manipulating international power. The political fallout from submitting to Assyria will come later. Ahaz's shift in allegiance enmeshes the nation into a political snare from which Judah will never escape. First with Assyria and then with Babylon and Egypt, Judah will shift political alliances and make bids for independence as the political wind blows, but her destiny of destruction at the hand of one of these empires is just a matter of time. YHWH warned Solomon about the אלהים אחרים and the coming destruction that YHWH will take credit for himself (1Kgs.9:6-9), but the lure of security through engaging the power of the neighboring kingdoms was too much for Israel's and Judah's kings to resist.

#### 7.4.2.6 Hezekiah

Though Deuteronomy does not specifically address alliances with distant nations—only alliances with nations within Canaan are prohibited (e.g. Deut.7:2)—the idea of Israel entering into the international world of power games and political manipulation seems counter to her ideals of being unique among other nations. The goal of an internationally modest but domestically prosperous people of YHWH would always be threatened by both internal and external pressures. But YHWH demands trust in his power alone. Instead of trusting the trustworthy but simultaneously uncontrollable YHWH, Israel's canonical story tells of her kings seeking security and prosperity in the ways of the surrounding nations, both within her own borders and internationally. But YHWH promises to ensure that Israel will—eventually—lose when she plays these dangerous games.

I have focused on negative examples in Israel's history: serving the אלהים אחרים correlates with the centralization of national political power and manipulation of international political power. The relationship becomes even clearer when a counter-example is considered. How does a king who trusts in YHWH handle political power?

<sup>101</sup> Ellul, *Politics*, 128.

Hezekiah "did what was right in the sight of the LORD just as his ancestor David had done" (2Kgs.18:3). After citing his destruction of cultic abominations (v.4), he is given this summary praise: "He trusted (בטח) in the LORD the God of Israel; so that there was no one like him among all the kings of Judah after him, or among those who were before him. For he held fast (דבק) to the LORD; he did not depart (סור) from following him but kept the commandments that the LORD commanded Moses" (vv.5-6).

If holding fast to YHWH means destroying the high places in the cultic realm, what are its implications in the political realm? The Kings account proceeds to answer this question: "He rebelled against the king of Assyria and would not serve him (ולא יעבדו)" (v.7). Although one might see an assertion of independence from the prevailing imperial power to be either an act of autonomy or insanity, the narrator places this within the context of obedience to YHWH's law.<sup>102</sup> To "not serve" Assyria is a move of loyalty toward YHWH, which necessarily carries the risk of provoking the anger of Assyria, who does not treat disloyalty kindly.<sup>103</sup> The narrator pauses at this point to comment on Assyria's destruction of the northern kingdom, which gives the reader a taste of the fear Hezekiah must have felt. Interestingly, Hoshea's treachery against Assyria in the form of seeking an alliance with Egypt (2Kgs.17:4) is not mentioned at this point as a cause of Assyria's vengeance, but rather that Israel's destruction came "because they did not obey the voice (לא־שמעו בקול) of the LORD their God" (2Kgs.18:12). Politics and theology are deeply connected. Unfortunately for Hoshea, his Egyptian alliance provokes both YHWH and Assyria. YHWH's point of view is emphasized here because this is decisive for Hezekiah: he has rebelled against Assyria—provoking the empire's anger—but he has acted out of loyalty to YHWH, who promises blessing that supersedes any political problems (cf. Deut.28:1-14).

The crisis moves forward as spurned Sennacherib invades Judah and captures her fortified cities (2Kgs.18:13). Faced with this apparent failure on the part of YHWH, Hezekiah blinks and surrenders to Sennacherib, saying, "I have done wrong [lit. 'sinned']; withdraw from me; whatever you impose on me I will bear" (חטאתי שוב )

<sup>102</sup> In this presentation, Hezekiah's rebellion is a virtue that contrasts with Ahaz's alliance (Christopher R. Seitz, *Zion's Final Destiny: The Development of the Book of Isaiah: A Reassessment of Isaiah 36-39* [Minneapolis: Fortress, 1991], 72). The canonical account evaluates Hezekiah as prospering wherever he went (v.7). Consider a counter-evaluation: "The statement of Hezekiah's uniform success reflects the Deuteronomic opinion of the merits of a reformer rather than the actual course of history, in which the king's political projects against Assyria met with frustration and his realm was severely docked in consequence" (John Gray, *I & II Kings: A Commentary* [OTL; London: SCM, 1964], 609). As with Solomon, the criteria for "success" are an important consideration. Kings seems to understand success to be compatible with significant political loss to Assyria. In a different vein, some see Hezekiah to be motivated by political ambition rather than piety (Gwilym H. Jones, *1 and 2 Kings* [2 vols.; NCB; Grand Rapids: Eerdmans, 1984], 2:559), though these are problematic categories.

<sup>103</sup> Historians point to Assyrian weakness as another motivation for Hezekiah's rebellion (John Bright, *A History of Israel* [4th ed.; Louisville: Westminster John Knox, 2000], 280-1; Jones, *Kings*, 2:558).

מעלי את אשר-תתן עלי אשא (v.14). By admitting "sin," Hezekiah is not admitting moral wrongdoing, but violation of his vassal obligations. He does not swear loyalty, but "merely" promises tribute, which Sennacherib is satisfied to impose. Hezekiah is forced to sack the temple in order to pay Sennacherib (vv.15-16). This is not Hezekiah's finest hour, but neither is it the end of the narrative.

Hezekiah's attempt to maintain loyalty to YHWH while satisfying Sennacherib fails to satisfy the latter. Seitz suggests the point of 2Kgs.18:14-16 is that tribute cannot deflect foreign threat.<sup>104</sup> However, more precisely, loyalty to YHWH and to אלהים אחרים is incompatible: Hezekiah cannot satisfy Sennacherib without complete loyalty to him and consequent disloyalty to YHWH. Sennacherib understands that Hezekiah is still holding out when he asks through the Rabshakeh, "On what do you base this confidence of yours?" (מה הבטחון הזה אשר בטחת) (v.19).<sup>105</sup> Assyria only understands the power of military might by which Ashur rules the world through Assyria. So the Rabshakeh ridicules Hezekiah's impossible situation. The verb "trust" (בטח) is a major theme of the Rabshakeh's speech, appearing six times in the seven verses of his first speech. It is also the word used to characterize Hezekiah's dependence on YHWH in v.5. It only appears once in Deuteronomy (28:52) where Israel's false trust in high and fortified walls instead of YHWH lead to the covenant curses where those same walls will tumble under siege. Hezekiah must decide whose power is greater and whose side he is on—Ashur's or YHWH's.

The Rabshakeh speaks a lesson from history to the people of Jerusalem: "Do not listen to Hezekiah when he misleads you by saying, the LORD will deliver us. Has any of the gods of the nations ever delivered its land out of the hand of the king of Assyria?" (vv.32-33). Indeed, in the clashes between the various אלהים אחרים, Ashur and his Assyrian king have lately prevailed. In the ebb and flow between various concentrations of and manipulations of power, there will often be one that overpowers the rest. But YHWH is not one of the אלהים אחרים; he does not play these games; he has his own rules and methods. The test for Hezekiah consists of discounting the obvious military might that has devastated his nation and threatens his own capitol city—the might of אלהים אחרים—relative to the invisible might of YHWH.

Hezekiah stands firm in his loyalty to YHWH (2Kgs.19:1-34) and YHWH does not disappoint, but compels Assyria to lift the siege (2Kgs.19:35-36). Sennacherib's end is ironic: the most powerful man in the world, while worshipping his אלהים אחרים, is overpowered by his own sons and killed (v.37).

<sup>104</sup> Seitz, *Zion's*, 145

<sup>105</sup> Although the Rabshakeh accuses Hezekiah of alliance with Egypt (2Kgs.18:21), the narrator does not, either implicitly or explicitly (cf. Seitz, *Zion's*, 72-4).

Two brief narratives complete Hezekiah's story. In the first (2Kgs.20:1-11), Hezekiah falls ill and pleads to YHWH for his life, claiming a life of faithfulness (vv.1-3). YHWH agrees, extends Hezekiah's life, and promises to deliver Hezekiah and Jerusalem from the power of Assyria (v.6). In the second (2Kgs.20:12-19), Hezekiah is shown in a negative light. When envoys from Babylon come to the ailing Hezekiah with letters and a gift (v.12)—probably an attempt to form an alliance with him against Assyria—Hezekiah welcomes them and shows off his wealth and military might (v.13). Such a display would be designed to increase his bargaining power with Babylon. This gesture of manipulating international power is quickly condemned by Isaiah (vv.14-18), who foretells Judah's destruction by the power of Babylon. Though an exception to Hezekiah's exemplary record,<sup>106</sup> the authors seem to want to keep the coming destruction of Jerusalem in the forefront. Whenever YHWH's people play with the fire of international power, they are burnt in the end.

### 7.5 WHAT ARE YHWH'S PEOPLE TO DO?

Social scientific critics have argued that YHWH is unique relative to other ANE gods and that Israel's sociopolitical mandate is likewise unique in its context. Most notably, Gottwald argues that historical Israel was committed to a unique egalitarian intertribal social order: "To worship Yahweh, to be an Israelite, meant above all else to practice a specific way of life in separation from and in overt opposition to time-honored established ways of life regarded throughout the ancient Near East as inevitable if not totally desirable."<sup>107</sup> He continues later,

Yahweh is unlike the other gods of the ancient Near East as Israel's egalitarian intertribal order is unlike the other ancient Near Eastern social systems. Yahweh forbids other gods in Israel as Israel forbids other systems of communal organization within its intertribal order. The social-organizational exclusionary principle in Israel finds its counterpart in a symbolic-ideological exclusionary principle in the imagery of deity.<sup>108</sup>

Gottwald argues that YHWH is intolerant of other gods because Israel's social system is incompatible with the models used by other societies: "Yahweh was so different from the other gods because 'he' was the god of such a different people."<sup>109</sup>

<sup>106</sup> The Chronicler explains Hezekiah's slip in this way: "God left him to himself (עזבו האלהים), in order to test him and to know all that was in his heart" (2Chr.32:31). Hezekiah also slipped in his initial capitulation to Sennacherib (2Kgs.18:14).

<sup>107</sup> Norman K Gottwald, *The Tribes of Yahweh: A Sociology of the Religion of Liberated Israel, 1250-1050 B.C.E.* (Maryknoll, N.Y.: Orbis, 1979), 59.

<sup>108</sup> Gottwald, *Tribes*, 693.

<sup>109</sup> Gottwald, *Tribes*, 693.

While there is considerable resemblance between my argument here and Gottwald's, it is helpful to note at least three differences. First, Gottwald is concerned with reconstructing historical Israel while I am focused on the canonical Israel. Without engaging the argument of the historicity of the canonical portrayal, I focus on what Israel came to believe about herself and her God, what events in her recorded story were understood to be significant, and how those events are interpreted, rather than what particular Israelites thought, did, and believed. Second, Gottwald's method is to move from the social structures of historical Israel to her religion, while my approach is the reverse: YHWH calls, forms, and instructs Israel, who then must choose how to respond to him. We both understand Israelite society to mirror YHWH's concerns (on its better days), but differ as to which is the object and which is the reflection. Of course, the relationship involves movements in both directions. Third, Gottwald sees social structure as the most important aspect of Israelite reality for understanding this unique people. I emphasize again that my study of the relationship between YHWH/אלהים אחרים and Israel's attitude toward power is not meant to imply that sociopolitical power is the most important or most direct result of Israel's choice of God/gods to serve. Rather, I focus on this feature because issues of power seem to provide a helpful angle for approaching YHWH's prohibition of אלהים אחרים within a modern context where idolatry proves difficult to understand but power is of considerable interest.<sup>110</sup>

So what are the political implications for canonical Israel's loyalty to YHWH rather than the אלהים אחרים? The choices faced by the elders of Israel when they asked Samuel for a king and by Hezekiah when besieged by Assyria crystallize the temptation to serve אלהים אחרים. The elders faced enemies without and weakness within, represented in the narrative by the Philistines and Samuel's faithless sons. Hezekiah, with few material resources of his own, faced an imperial army that wielded unchallengeable power. YHWH's word to the elders was that the sort of king they wanted would exchange freedom under YHWH for slavery under the king. YHWH's word to Hezekiah was that Sennacherib "shall not come into this city, shoot an arrow there, come before it with a shield, or cast up a siege ramp against it... I will defend this city to save it" (2Kgs. 19:32, 34). Gottwald summarizes the issue:

<sup>110</sup> Barton cautions against using the label of idolatry at all:

We may find ourselves condemning our contemporaries for idolatry by saying that they worship money, or sex, or power... My problem with all this is that these forms of rhetoric come rather easily to the lips, and there is always a great danger that we shall use the condemnation of idolatry as an unanswerable argument against whatever happens to be our pet hate. (John Barton, "'The Work of Human Hands' [Ps. 115:4]: Idolatry in the Old Testament," *ExAud* 15 [2000]: 71-2)

I hope that my endeavor to understand idolatry in terms that can be applied in a modern context does not yield arbitrary, easy charges against a pet hate.

[Israel faced] the acute necessity of creatively resolving the potentially destructive contradiction between two fundamental needs: the need for peoples who formed Israel to be internally egalitarian, and the need for this internally egalitarian system to defend itself against encroachment and destruction by neighboring hierarchic and stratified social systems.<sup>111</sup>

In my terms, there was a need within Israel—based on YHWH's law—to avoid the centralization, multiplication, and manipulation of power, yet the surrounding nations who chose this efficient and successful (in its own terms) route of multiplied power tended to become powerful enough to threaten Israel's very existence.

The dilemma can be restated: Israel faces destruction either by YHWH or by her enemies. Survival is possible either by being fully loyal to YHWH and trusting his uncontrollable promise to bless and protect her or by being loyal to the אלהים אחרים and trusting in the protection of the gods who promise to bless the amassing and manipulation of power. Of course, YHWH confidently proclaims that his power is greater than that of the אלהים אחרים. One direction that is sure to fail is syncretism: seeking a modicum of power for purposes of insurance, as it were, while being obedient to YHWH in other matters. Such a choice both provokes the anger of YHWH and provides negligible protection against neighboring powers. In such a light, the illogic of syncretism is obvious.

Apart from YHWH's saving acts, Israel is under tremendous pressure to assimilate to her more efficient and thereby powerful neighbors. Gottwald summarizes the problem: "Tribalism in the midst of centralized states is a sort of vestigial pocket sooner or later to be wiped out."<sup>112</sup> So how does trusting YHWH and eschewing אלהים אחרים function for OT Israel? The ideal is portrayed in the covenant blessings of Deut.28:1-14.<sup>113</sup> Faithful Israel is promised YHWH's blessing, prosperity, and security.<sup>114</sup> But surely external threats must eventually come? Yes, but they would be defeated not through the אלהים אחרים, with their drive toward efficient, centralized internal power structures and manipulation of power externally through alliances with neighboring powers in order to maximize one's own position. Rather, the faithful response to external threats would seem to involve occasionally mustering what military power naturally existed within Israel whenever an external threat appeared and then trusting in YHWH to multiply it as needed to meet the emergency. But trust in YHWH also means meeting internal threats, particularly by enforcing the laws against explicitly

<sup>111</sup> Gottwald, *Tribes*, 617.

<sup>112</sup> Norman K Gottwald, "Are Biblical and U.S. Societies Comparable? Theopolitical Analogies Toward the Next American Revolution," in *The Hebrew Bible in Its Social World and in Ours* (SemeiaSt; Atlanta: Scholars, 1993), 320.

<sup>113</sup> Cf. §6.1.2.

<sup>114</sup> Israel's neighbors are portrayed as surprised and impressed by Israel's corporate life that seems attractive yet unattainable apart from YHWH (Deut.4:6). Cf. §4.1.2.1.

following the אלהים אחרים (Deut.7: 12:2-3; 20:16-18; 13: 16:21-7; 18:9-14). It also means inculcating the entire law of YHWH, with its demand for exclusive loyalty, and Israel's history of relationship with him (cf. Deut.6:4-9). Mendenhall sums it up like this:

The real issue was a fairly simple one: whether or not the well-being of persons is a function of a social monopoly of force, or the consequence of the operation of ethical norms, which are values determining the behavior of persons in society; whether to put faith in armies and armaments, or in the unpredictable Providence which guarantees the validity of the ethic.<sup>115</sup>

The Kadesh-barnea rebellion (Deut.1:19-45) reverses the problem of Israel serving אלהים אחרים, though the logic is the same. This offense angers YHWH (קצף, 1:34; אַנְף, 1:37) and leads to Israel's defeat at the hand of the Canaanites (1:44), which is similar to what results from serving other gods. But are the אלהים אחרים implicitly present here? In the cases considered in this chapter, Israel is tempted to seek the power of these gods for her own security and prosperity. But at Kadesh-barnea, Israel fears that YHWH is no match for the strength of these people (1:28)—and presumably their gods, though the text is silent here. Israel refuses to trust (אִמַּן, 1:32) YHWH's ability and commitment to fight for her, which reveals a deeper trust in the visible power of her enemies. Israel rebels (מָרָה, 1:26) by refusing to act on the invisible—though previously demonstrated (1:29-33)—power of YHWH, which implies an abandonment of YHWH's way of life for one that depends upon the same sort of power as the other nations. When Israel subsequently attempts to take the land without YHWH's support (1:41-45), it becomes painfully clear that her success depends on her partnership with her God. Moses' recapitulation of the episode in the context of the golden calf remembrance (9:23-24) indicates a continuity between idolatry and the rejection of YHWH's power relative to the means of others. Israel's life with YHWH is to be characterized by a different sort of power than that of other nations. Israel must know that her own fortified walls are no match for YHWH (28:52) and neither are those of her enemies. Her overestimate of her enemies' power and underestimate of YHWH's leads him to deny that generation life in the land. As discovered throughout this study, Israel following אלהים אחרים leads to expulsion from the land. At Kadesh-barnea, it seems this idolatry can be present in the reckoning of power even when the gods themselves are not.

It has been argued by some that certain episodes of demonstrably centralized monarchical power are applauded in the canonical history, in marked contradiction to

<sup>115</sup> George E. Mendenhall, "Tribe and State in the Ancient World: The Nature of the Biblical Community," in *The Tenth Generation: The Origins of the Biblical Tradition* (Baltimore: Johns Hopkins University Press, 1973), 196.

Deuteronomy's prescriptions. Josiah, in particular, uses royal power to enforce the deuteronomic law in the land (2Kgs.23:1-25), while seemingly overstepping its constraints on the king's power.<sup>116</sup> Deuteronomy envisions "the elimination of all non-Yahwistic sanctuaries and the centralization of Yahwistic worship [to be] the responsibility of the body politic (Deut.12:1-28)."<sup>117</sup> But, as Knoppers notes, Kings assumes "that the monarchs of Israel and Judah are responsible for maintaining the relationship between God and the people."<sup>118</sup> While an extensive analysis of the evaluation of monarchical power in the canonical histories is beyond the scope of this work, I make two notes. First, I have argued that, within these histories, at least by Solomon's reign, if not already in 1Sam.8, the political structures are misaligned with Deuteronomy's ideal. With power centralized in the king, it makes sense to focus on evaluating the king, with particular focus on the first commandment. Second, in the dire situation of the Josianic crisis, a fundamental shift in national loyalty to YHWH seems necessary and a central figure is probably needed to enact that shift. Josiah's role may possibly be similar to that of Moses<sup>119</sup> or Joshua (noted to be parallel to Josiah<sup>120</sup>) who properly wield power at crisis moments but do not institutionalize that power. In fact, one argument against a Josianic provenance for Deuteronomy is that a king is unlikely so to constrain his own power as is done in Deut. 17.<sup>121</sup> However, an "obedient" (in Deuteronomy's terms) king just might.

## 7.6 THE MODERN NATION-STATE AND THE "OTHER GODS"

I have argued that the canonical history displays a correlation between the serving of אלהים אחרים and both the centralization of national power and manipulation of international power. Likewise, serving YHWH correlates with decentralized internal power and defiance of external power politics. But what uses of political power characterize the modern nation-state? And what does this reveal about the gods—in Deuteronomy's terms—served by modern political entities? In this section, I analyze the political practice of the modern nation-state along the dimensions of national and international power. I do this in three historical steps: the development of the modern nation-state, the global growth of liberal democracy and capitalism, and the global ascendancy of the United States.

<sup>116</sup> So Levinson, "Reconceptualization," 523-31; Knoppers, "Rethinking," 405-9.

<sup>117</sup> Knoppers, "Rethinking," 405.

<sup>118</sup> Knoppers, "Rethinking," 406. He notes that Chronicles stresses the involvement of the people, priests, and Levites as well.

<sup>119</sup> Cf. §7.3.3.

<sup>120</sup> Richard D. Nelson, "Josiah in the Book of Joshua," *JBL* 100:4 (1981): 531-40.

<sup>121</sup> Levinson, "Reconceptualization," 524-5.

### 7.6.1 THE MODERN NATION-STATE

In §2.1.1, I summarized the development of the modern nation-state in terms of the separation of the public and private spheres and the subordination of religion within the private sphere. The development can also be understood in terms of centralization of power.

One defining feature of the modern state is its successful claim to a monopoly on the use of legitimate coercive force within its territory.<sup>122</sup> As discussed in §2.1.1, the transcendent state has complete authority over every citizen, extending to life and death. Those who have never been threatened by the state may rest upon constitutional and legislative guarantees and the ability to control the state through voting. However, those who have experienced it know that the state is overwhelmingly powerful and that suspicion of a crime renders an individual completely subordinate to its will. This centralized and absolute power (constitutional limits notwithstanding) differentiates the modern state from its feudal predecessor, where people lived within complex networks of relationships and powers. Within feudal society, a single person might have disparate responsibilities to trade guilds, the church, the prince, various lords, etc. These multiple and competing authorities each wielded coercive force, resulting in a complex web of power. The modern state efficiently subsumes all power within a territory under itself.

To limit this concentration of power, constitutional democracies have been designed to control the abuse of power through the rule of law and representational government. Poggi writes, "The moral idea that ultimately legitimates the modern state is the taming of power through the depersonalization of its exercise. Where power is generated and regulated through general laws, the chance of its arbitrary exercise is minimized...."<sup>123</sup> This "taming of power" is not a decentralization of it, but a carefully contrived regulation and compartmentalization of the organs of state power to limit its ability to abuse its absolute power.

### 7.6.2 GLOBAL GROWTH OF LIBERAL DEMOCRACY AND CAPITALISM

The development of the modern nation-state resulted in unprecedented centralization of power within the nation. Globalization now provides pervasive mechanisms for powerful nations to exercise potent influence over other nations.<sup>124</sup> Following the collapse of the Soviet Union, the ascendancy of the ideologies of liberal democracy and capitalism has included the institution of multinational organizations to spread these

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<sup>122</sup> Cf. ch.1 n.53.

<sup>123</sup> Poggi, *Development*, 101-2.

<sup>124</sup> I obviously do not deny the pre-globalization wielding of international power.

ideas and their implementation. The United Nations not only provides a forum for the prevention of war but also for defining "peace" and the social constructs that other nations must adopt for the sake of peace. In particular, the UN Charter grants the Security Council, with particular reference to its permanent members with veto powers, the power of determining "the existence of any threat to the peace" and deciding "what measures shall be taken" to "restore international peace and security," which may include diplomatic, economic, and armed military measures.<sup>125</sup> The UN Universal Declaration of Human Rights (UDHR) declares, "All human beings are born free and equal in dignity and rights" and establishes democratic government as a universal human right along with basic liberal freedoms of religion, speech, equal protection before the law, and so on.<sup>126</sup>

This globally enforceable establishment of liberal democracy is complemented by a similar establishment of capitalism, with varying degrees of social welfare attached. The UDHR establishes the right to private property.<sup>127</sup> Beyond the UN itself, the World Bank and International Monetary Fund function in the economic sphere to aid nations experiencing economic hardship. However, this aid comes with conditions attached that insist on the recipient shaping its society according to modern Western ideas, primarily free-market capitalism.

These global institutions multiply tremendous political and economic power, centralizing it in the hands of the leaders of these organizations. The power is used as seen fit by the leaders, which includes both the goal of universal commitment to their "sacred" principles and the maintenance of the leaders' own security and prosperity.

### 7.6.3 THE ASCENDANCY OF THE UNITED STATES

As the pre-eminent modern nation state, the United States has effectively concentrated its political power in the state institutions, as described in §7.6.1 above in general terms. Internationally, since the end of the Cold War, America has been known as the "sole superpower" in the world. In a 1997 statement, the politically prominent "Project for the New American Century" (PNAC) in its "Statement of Principles," asks the question, "Does the United States have the resolve to shape a new century favorable to American principles and interests?"<sup>128</sup> It then boldly proclaims the essential elements of American

<sup>125</sup> United Nations, "Charter," (24 Oct 1945), n.p. Cited 27 Mar 2007. Online: <http://www.un.org/aboutun/charter/>, Arts.39-42.

<sup>126</sup> United Nations General Assembly, "UDHR."

<sup>127</sup> United Nations General Assembly, "UDHR," Art.17.

<sup>128</sup> Project for the New American Century, "Statement of Principles," (3 Jun 1997), n.p. Cited 5 May 2007. Online: <http://www.newamericancentury.org/statementofprinciples.htm>.

success: "A military that is strong and ready to meet both present and future challenges; a foreign policy that boldly and purposefully promotes American principles abroad; and national leadership that accepts the United States' global responsibilities." It warns, "If we shirk our responsibilities, we invite challenges to our fundamental interests." This statement is not from a fringe group, but is signed by Vice President Dick Cheney, former Secretary of Defense Donald Rumsfeld, and other prominent leaders in the Bush administration.

The "war on terror" provides considerable focus to the general goals of the PNAC. Since 9/11, American power has been consolidated and increased within the nation. The need for security against terrorism has resulted in unprecedented levels of surveillance<sup>129</sup>—the power of information—and the reduction of cherished freedoms, including the elimination of the fundamental right to a writ of *habeas corpus* for some suspected terrorists.<sup>130</sup> American power is wielded abroad in the name of security, which is understood to depend in the long run on global adoption of liberal democracy and capitalism. Meanwhile, America is determined to have sufficient economic, political, and military power to become and remain unchallengeable across the globe.<sup>131</sup> In Weber's terms, the modern nation-state is the successful monopolist of legitimate coercive force within its territory. So it seems that America, in these terms, seeks to direct the modern *global-state*.<sup>132</sup> This is the ultimate in concentrated power.

The view of the PNAC is only one form of "American exceptionalism." This idea that the United States is different from (and usually, superior to) other nations is a potent belief of Americans.<sup>133</sup> From its very founding, America has often been seen as bearing special relationship to God as a new Israel occupying a new promised land.<sup>134</sup> But beyond such overtly religious language, America now embodies and delivers the ascendant "sacred" objects of liberal democracy and capitalism to the world. The combination of overt religious legitimacy and implicit Durkheimian "religious" legitimacy is potent.

<sup>129</sup> Cf. §5.4.2.

<sup>130</sup> United States Congress, "Military Commissions Act of 2006 (Public Law 109-366)," n.p. (cited 27 Mar 2007). Online: <http://thomas.loc.gov/cgi-bin/bdquery/z?d109:S.3930:>

<sup>131</sup> One example of many is the 2006 U.S. Space Policy, which declares both America's right to freedom of action in space and the right to deny other nations such freedom if it is counter to American national interests (George W. Bush, "U.S. National Space Policy," [31 Aug 2006], n.p. Cited 27 Mar 2007. Online: <http://www.ostp.gov/html/US%20National%20Space%20Policy.pdf>).

<sup>132</sup> Robert N. Bellah, "Imperialism, American Style," *ChrCent* (8 Mar 2003): 20-25.

<sup>133</sup> The phrase is often attributed to Alexis de Tocqueville, *Democracy in America* (The World's Classics; London: OUP, 1946), cf. bk.1 ch.9. On Americans' commitment to their nation's eminence, cf. Carl F. Bowman, "Survey Report: The Evidence for Empire," *The Hedgehog Review* 5:1 (2003).

<sup>134</sup> For a sustained argument along these lines, cf. Stephen H. Webb, *American Providence: A Nation With a Mission* (New York: Continuum, 2006).

The sacral nature of American ideology has not escaped the scrutiny of sociologists. Robert Bellah, in particular, argues that America has revived the ancient idea of sacral kingship. As described above, ancient societies maintained a close relationship between their gods and their king.<sup>135</sup> But this nearly universal phenomenon changed with what sociologists name "the axial age," which occurred in approximately the first millennium B.C.E., though the date varied in different parts of the world. As Bellah describes it, in maturing societies, "a crack was opened between god and king: some idea of a judgment transcending the existing society had appeared." But with the axial age, "that crack widens into a chasm."<sup>136</sup> Israel, with her circumscription and critique of her kings, is only one example of a widespread phenomenon. Bellah writes, "After the axial age the claim to royal divinity (except in far-off Japan) was no longer believable; the next best thing would be to have an established church anoint a ruler as king by divine right, chosen by God."<sup>137</sup> But American society, with its founding vision as a new sacred people, joined again the glory of God with the glory of the nation.<sup>138</sup> In a surprising revival of the ancient connection between king and gods, the American state mediates the "sacred" forms to the world, not through the lone representative of the king, but through a transcendent state that self-sacrificingly establishes and maintains the heavenly-earthly order, bringing security and prosperity to the world. As Bellah characterizes it, America is "a society that recapitulates the archaic fusion of religion and state in a way unique among modern nations (Japan excepted)."<sup>139</sup> This fusion of God and state, invulnerable to critique, aims to, in the word of President Bush, "rid the world of evil" as part of America's "responsibility to history."<sup>140</sup> This is a divine commission, whether "divine" in this case means from a personal god or legitimated by the "sacred" social constructs behind the functional American "religion." This centralization and manipulation of power in an absolute state, as argued in this chapter, is characteristic, in the terms of Deuteronomy and the canonical histories, of serving the אלהים אחרים.

Is it surprising that America wields power according to the ways of the "other gods" rather than Deuteronomy's YHWH? In Deuteronomy's terms, serving the אלהים אחרים has been the nearly universal norm. Deuteronomy envisions an alternative society for Israel that exists in distinction to its neighbors. Its survival within a world

<sup>135</sup> Cf. §7.2.

<sup>136</sup> Bellah, "God," 362.

<sup>137</sup> Bellah, "God," 367.

<sup>138</sup> Bellah, "God," 369.

<sup>139</sup> Bellah, "God," 375.

<sup>140</sup> Bush, "Security," 5. This quotation reaffirms the president's remarks shortly after the September 11, 2001 terrorist attacks.

committed to other values does not seem to be guaranteed by any empirically verifiable increase in effectiveness, efficiency, or power. There is little historical or biblical evidence that such a nation as Deuteronomy envisions can realistically survive or that such a society has been attempted for long. The biblical testimony is that such a nation lives only by YHWH's powerful care, which is claimed to be supreme, but in reality seems at least uncontrollable and possibly unreliable.

In previous chapters of this work, I have emphasized the similarities between YHWH's demands and threats and those of the modern nation-state. When viewed along the axis of power, however, it seems that the object of the demanded loyalty and the entity threatening the disloyal differs considerably between the two.

*The First Commandment is axiomatic. It is the basis and starting point for all further inferences and arguments in both theology and politics.*

—Patrick D. Miller<sup>1</sup>

## Chapter 8

### Conclusions

In this dissertation, I have argued for a structural parallel between the modern nation-state and YHWH in the ways they both demand exclusive loyalty and back that demand with destructive power. By way of conclusion, I reflect on this analogy in terms of social control, theology, and politics.

#### 8.1 SOCIAL CONTROL IN A FRAGILE WORLD

The idea of loyalty demands backed with coercive force is well-known within the sociology of world-maintenance. My examination of Deuteronomy and the modern nation-state could be understood as extended illustrations of this sociological idea.

As Berger describes it, social worlds are constructed. The constructs include both tangible objects such as tools and laws and intangible things such as social ideas and interpersonal relationships.<sup>2</sup> The most foundational of these social constructs achieve the status of “sacred.” A social problem arises from the fact that “all socially constructed worlds are inherently precarious” because they exist under threat from people whose interests run counter to them or who are ignorant of them.<sup>3</sup> In light of these threats, Berger describes two basic mechanisms for maintaining the socially constructed world: *socialization* and *social control*. Socialization is a process of encouraging members of society to embrace the existing order. The mechanisms of socialization include reminding the forgetful of the constructs, legitimating them in the hearts of the doubtful, and transmitting them to succeeding generations.<sup>4</sup> Social control,

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<sup>1</sup> Patrick D. Miller, *The God You Have: Politics and the First Commandment* (Minneapolis: Augsburg Fortress, 2004), 2-3.

<sup>2</sup> Berger, *Social*, ch.1. Cf. §2.1.2.

<sup>3</sup> Berger, *Social*, 29.

<sup>4</sup> Berger, *Social*, 29-31.

on the other hand, “seeks to contain individual or group resistances within tolerable limits.”<sup>5</sup> Threats and their realization are the strongest forms of social control. Coercion protects the social constructs.

Deuteronomy displays the features that Berger describes. Deuteronomy’s Israel is precarious, with the primary threat being other gods besides YHWH. The remnants of Canaanite culture and the surrounding nations are the main carriers of this social pathogen. Deuteronomy displays anxiety about the maintenance of Israel’s world. In response to this fragility, Deuteronomy envisions both world-maintaining mechanisms. Israel is socialized through explanation, legitimation, exhortation, and transmission of its sacred objects and ideas. Social control is exerted upon recalcitrant Israel and Israelites through threats against those who might destroy Israel’s life under YHWH.

It is noteworthy that YHWH’s threats against Israel go beyond social control when the entire nation is threatened with destruction, for the result approaches the destruction of the social world, rather than maintaining it. However, the promised restoration of the nation, whether through Moses (Deut.9:14) or return from exile (e.g. Deut.4:29-31; 30:3-5), moves the covenant curses back into the realm of social control.

The modern nation-state also illustrates these general sociological principles. The constructs of liberal democracy and capitalism exist under threats, whether formerly by the Soviet Union and ideas of communism, or currently by Islamist extremists and others who fall under the classification of “terrorists.” The modern nation-state socializes the world into the constructs of liberal democracy and capitalism through the same mechanisms of explanation, legitimation, exhortation, and transmission. Finally, social control is used against any who bring significant threats against the sacred ideas and objects.

Despite the apparent universality of these mechanisms for maintaining precarious social worlds, the drastic differences between the various societies that have been constructed and are being maintained should not be overlooked. All societies are not the same. Different societies create different social constructs and, even more importantly, sacralize different constructs. So while Deuteronomy’s YHWH and the modern nation-state display striking similarities in their fragility, loyalty demands, and threats of destruction, I have argued that the societies they construct and maintain are strikingly different in regards to the structure and use of state power.

In regards to comparisons between societies, whether Deuteronomy’s Israel with its ANE background or with the modern West, Levenson’s warning is worth noting at this point:

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<sup>5</sup> Berger, *Social*, 29.

It is, in short, too convenient to portray Mesopotamian society as brutal and degrading and biblical law as a time-conditioned effort to mitigate the brutality and degradation. Rather, honest investigation of the Bible requires us to recognize that the parts we like and the parts we do not are *both* biblical and that *both* these components have roots and parallels in the larger ancient Near Eastern world.<sup>6</sup>

In this study, I do not seek to build strawmen of the various societies considered. I personally find features of all of them to be brutal and problematic. One goal of this study is to illuminate the problems in ways that can aid further refinement of and engagement with them. But despite my best efforts, work such as this will always run the risk of being something less than honest, which can only be mitigated through consideration within a wide community over an extended time.

## 8.2 THEOLOGICAL REFLECTIONS

The primary theological outcome of this study is that YHWH has a stake in human society, with particular reference to that of his people. This stake is reflected first by his demand for exclusive loyalty, which would seem to refuse to be limited to a narrow domain of “religion,” as understood in the modern West. His stake is then reflected by his willingness to make significant, vital threats against the disloyal.

But it seems that the modern nation-state also has a stake in society, demands its own exclusive loyalty, and threatens those disloyal to it. Unless these authorities converge, their competing demands are destined to force difficult choices for those who understand themselves to be subjects of both. That the two might converge seems unlikely, though the reasons vary among commentators. For example, Gottwald writes, “It is one of the pathetic marks of a confused and uncritical theological calculus that it should think that the early biblical tribal egalitarianism offers any deep-going analogy for the founding framework of our nation.”<sup>7</sup> From another angle, Levenson writes,

The biblical authors would undoubtedly be astonished to see their covenant thinking transformed into the basis of a pluralistic state.... The model is not one of deracinated individuals seeking to secure their liberties and to maximize self-interest but of a unique nation collectively acting in accordance with its mandated sanctity.<sup>8</sup>

Of course, others find a significant compatibility between the American and biblical visions, which must be considered.<sup>9</sup>

The central problem in the conflict between the two visions might be how to conceive of a public space where biblical priorities—and not just liberalism—have a

<sup>6</sup> Levenson, “Liberation,” 139, emphasis original.

<sup>7</sup> Gottwald, “Comparable,” 321.

<sup>8</sup> Levenson, “Covenant,” 81.

<sup>9</sup> E.g. Webb, *American*.

place. In the present situation, liberal democracy and capitalism hold a privileged public place that is largely unsusceptible to challenge. Other ideologies are portrayed as failed (e.g. communism), destructively extremist (e.g. Islamism), or “religious” and therefore individual and not publicly relevant (e.g. biblical religion). In contrast to the first two, the sacred ideas of the modern West are portrayed as successful and constructive. In contrast to the third, liberal democracy and capitalism are understood to transcend all individualized religions. But, as Fitzgerald observes, such arguments for what he calls “liberal ecumenical theology” are attempts “to disguise the theological essence of the category and to present it as though it were a unique human reality.”<sup>10</sup> In other words, the sacred ideas of the modern West are defended as being in a different category than various “religions.” As long as this is accepted, public loyalty to God is only possible if he becomes identified with or subordinated to these socially sacred ideas.

The present “war on terror” correctly identifies an ideological enemy, although its terms may be misunderstood. The Islamists’ widespread demand that religious commitment not be divorced from socio-political reality seems, at that level, to be something with which YHWH might sympathize, though the details of that religious commitment and the resulting socio-political reality are all important. But this study highlights an apparently unavoidable entanglement between the biblical God’s threats behind his demand for ultimate loyalty and those of the modern nation-state.

### 8.3 POLITICAL REFLECTIONS

The primary aim of this work has been to develop a heuristic reading strategy for modern Western readers of the OT that brings (supposed) familiarity with modern politics to bear on the interpretation of YHWH’s threats against Israel in Deuteronomy. However, the very nature of analogy leads to interpretive pressure in the opposite direction. Insofar as the reader gains a theological understanding through these considerations of Deuteronomy, it is inevitable that evaluations begin to be made upon modern political life. I resist this move, despite its apparent urgency, for at least four reasons.

First, this study is preliminary. The basic features of demands for exclusive loyalty, backed with coercive threats of force seem solidly analogous between the modern nation-state and Deuteronomy’s YHWH—with support from sociology. However, the details of the analogy and important points of dis-analogy obviously require considerable further development and critique. I have little doubt that the analogy is useful—in both directions—but the history of scholarship demonstrates that

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<sup>10</sup> Fitzgerald, *Ideology*, 5.

such models require significant time before their strengths and weaknesses are understood.

Second, this study is partial. Deuteronomy is but one—albeit a crucial—book of the Bible. Such a focus has aided this study, but the other voices of the canon must be permitted to speak their parts before anything more than tentative movement can be made from the ancient text to the modern world. Errors abound when portions of the canonical witness are overemphasized relative to the whole.<sup>11</sup>

Third, from a Christian perspective, the revelation of YHWH as the God and Father of the Lord Jesus Christ is critical to any theological understanding and faithful politics. In a word, everything changes—in often surprising ways—with Christ, despite substantial continuity with previous testimony. For Christian theology and ethics, this study must be expanded into the NT, where God’s response to disloyalty passes through Golgotha. Despite a continuing concern over idolatry (e.g. 1 Cor. 10) and threats against disloyalty (e.g. Matt. 21:33-46; Rev. 18), the work of Christ leaves neither theology nor politics unchanged.

Fourth, this study has focused on Israel as the people of God, as is proper within the OT. For Christians, the church is of central concern.<sup>12</sup> Political theology for the modern nation-state and current global affairs requires the development of a theology of these larger political structures, which involve the people of God, but are not to be identified with such. America, the modern West, the globe, are neither Israel nor the church. Political life under God must take this into account.

I should note that this study has probed my own theological and political thinking in challenging ways. And despite these cautions against allowing this preliminary and partial work from impinging upon lived politics, life cannot but be lived out of the preliminary and partial.

#### 8.4 SUMMARY

In conclusion, this dissertation offers a new synthesis of ideas for consideration. The interpretations of particular biblical texts and of modern political life are not dramatically novel. Rather, its contribution is in the joining of ideas worked out by others and the arrangement of these interpretations into a constructive whole in an attempt at mutual illumination between the biblical and modern worlds. By means of analogy between the worlds of Deuteronomy and the modern West, I suggest that

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<sup>11</sup> Cf. the ideas of “thick” and “thin” religion in Miroslav Volf, “Christianity and Violence,” *Boardman Lecture* 38 (6 Mar 2002), n.p. Cited 26 Apr 2007. Online: <http://repository.upenn.edu/boardman/2/>. Cf. n.7 in particular.

<sup>12</sup> I do not at all mean to diminish the crucial and difficult nature of ideas of election, supersession, and the continuing importance of Israel within Christian theology.

YHWH's demand for Israel's loyalty and threats of destruction for disloyalty have a structural similarity to those of liberal democracy and capitalism. By considering various texts of Deuteronomy and aspects of modern politics, I have considered this analogy in terms of responding to treason, coercion and liberty, the growth of disloyalty from individuals to the nation, and the horrors that can result from national resistance to the will of the supreme power. Finally, I have argued for a dis-analogy between YHWH and the modern West in terms of concentrating and wielding state power.

What is accomplished by detailing such an analogy? Max Black comments on the exposition of a metaphor:

Suppose we try to state the cognitive content of an interaction-metaphor in "plain language." Up to a point, we may succeed in stating a number of the relevant relations between the two subjects.... [But the] literal paraphrase inevitably says too much—and with the wrong emphasis.... But "explication," or elaboration of the metaphor's grounds, if not regarded as an adequate cognitive substitute for the original, may be extremely valuable. A powerful metaphor will no more be harmed by such probing than a musical masterpiece by analysis of its harmonic and melodic structure.<sup>13</sup>

Black continues with a warning that metaphors are both dangerous and powerful as tools for philosophy. This is all the more true for theology, for, as Lash characterizes the two fields, "Philosophical discourse is soliloquy; in philosophical reflection, the only voice heard is that of the philosopher. The theologian, in contrast, is trying to say something sensible in the presence of God."<sup>14</sup>

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<sup>13</sup> Black, "Metaphor," 46-7.

<sup>14</sup> Nicholas Lash, "The Beginning and the End of 'Religion,'" in *The Beginning and the End of 'Religion'* (Cambridge: CUP, 1996), 5-6.

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