

## The Home of Deuteronomy Revisited: A Methodological Analysis of the Northern Theory

For more than forty years the problem of the provenance of Deuteronomy has been much discussed and debated. The book has been dated in every period from Moses to Ezra. It has been connected to and disconnected from Josiah's reform, and those who have related it to that late-seventh-century-b.c. movement have disputed whether it served as a model for that program or was simply a summary of Josiah's activities. In addition, there continues the debate over the book's place of origin as well as over the group responsible for its ideas and composition. The place has been argued strongly to be northern Israel by some and southern Judah by others. Nominations for the circle responsible for its composition and for the preservation of ideals expressed therein have covered virtually every possible candidate: priests,<sup>1</sup> prophets,<sup>2</sup> kings,<sup>3</sup> and scribes.<sup>4</sup>

While all these questions are integrally related and no one question can be studied in a vacuum, the task of this study is limited to the examination of the major arguments which have been offered for a northern or Israelite theory. It is hoped that, by this analysis, some contribution will be made to the problem of Deuteronomy's origin and development.

### THE SCOPE OF PROTO-DEUTERONOMY

Most present-day scholars agree that the book of Deuteronomy, as we have it, is not the book purported to have been found in the Jerusalem Temple in 621 b.c. Rather, the original text must be separated from the rest of the book because of: 1) the repetitions, doublets, and contradictions (or at least different viewpoints) in the narrative material surrounding the code of

chs 12–26; 2) the repetition of laws and the varying concerns in the laws of the code; and 3) the juxtaposition of sections of address with singular and plural verbs and pronouns. It is a difficult and frustrating—but crucial—task to distinguish what is Proto-Deuteronomy from the remainder of the book. But such an attempt must be made and some stance taken before any conclusions can be drawn on questions pertaining to the home of Proto-Deuteronomy. And yet the difficulties in determining precisely this basic material are evidenced by the variety of positions which have been presented.

The extreme positions on the problem need be mentioned only briefly. In 1889, J. Wellhausen (*Die Composition des Hexateuchs*) stated that the original Deuteronomy consisted only of the law code in chapters 12–26. This position is supported somewhat by Otto Eissfeldt,<sup>5</sup> who argues that the account in 2 Kings 22–23 provides no basis for assuming that the code contained an historical introduction. Moreover, for Eissfeldt the concluding chapters represent two later editions which expanded the brief curses at 22: 16, 19. Quite the opposite of that position, J. Cullen (*The Book of the Covenant in Moab*, 1903) sees Proto-Deuteronomy not at all in the code but only in the hortatory discourses of the framework. The code is simply a summary or deposit of Josiah's reforms rather than the guidelines for those reforms.

Generally held views on the scope of Deuteronomy include sections of both the framework and the legal material. M. Noth<sup>6</sup> and G. von Rad<sup>7</sup> agree that Proto-Deuteronomy did not include the first four or the last four chapters of the present book. E. Nicholson<sup>8</sup> argues that Proto-Deuteronomy consisted of chapters 5–26 and some of 28. Within this corpus, another hand was at work inserting some plural passages within the original singular material, and other chapters were added at the beginning and at the end. Also within the major corpus, Nicholson joins von Rad in omitting the long plural passage at 9: 7–10: 11. It is interesting to note in the matter of 9: 7–10: 11 that G. Fohrer,<sup>9</sup> who regards the code itself as the original work, considers 9: 7–10: 11 to belong (with 1: 1–5; 1: 6–3: 29; and 4: 1–43) to the second of two supplemented introductions. The first introduction, consisting of 4: 44–9: 6; 10: 12–11: 32, was added to the code shortly after 701 b.c., and in that same expansion a conclusion was added with the material at 27: 1–8, 9–10; 28: 1–68. The relationship of the narrative material here is important to note, for in spite of the difference in what constitutes the original, 9: 7–10: 11 does not seem to be related to its surrounding material. Also, there seems to be an agreed break at 28: 68 from the concluding chapters.

A slightly different but also frequently accepted Proto-Deuteronomy is supported by Hartmut Gese, whose convincing analysis is based on a com-

bination of the singular-plural criterion with certain ideological-theological issues.<sup>10</sup> For Gese, the narrative framework of the original book consists essentially of the singular material in 6: 4–9: 6; 10: 12–11: 1; 27: 1–28: 68. In these sections, the word *bryt* is used only for the covenant with the patriarchs (7: 9, 12; 8: 18), the content of which was the promise of the land (see 6: 10 ff, 18, 23; 7: 1 ff, 16 ff; 8: 1, 7; 9: 1 ff). The wilderness experience here is regarded as a time of intimacy with Yahweh (8: 2–5, 15 f; contrast 6: 16 [secondary pl. insert]; 9: 7, 22–24; 11: 5–7; 25: 17 f; 32: 51). And Sinai/Horeb is missing in favor of the Moab covenant, which is nowhere regarded as a renewal of that Horeb situation. Thus, what is essentially different in Gese's view from those cited above is 5: 1–6: 3<sup>11</sup> and 11: 2–32, both of which are plural and which introduce elements nowhere else attested in Proto-Deuteronomy.<sup>12</sup> It would follow, then, that the inclusion of the many references to Sinai/Horeb traditions is the work of a later editor (or editors),<sup>13</sup> whose work explicitly portrayed the Moab covenant as the renewal of the one at Sinai.

The scope of the framework of Proto-Deuteronomy assumed in this study is consistent with that supported by Gese: 6: 4–9: 6; 10: 12–11: 1; 27: 1–28: 68. What the original work contains in the narrative framework is a series of sermons which preserve the covenant as the patriarchal promise, the exodus experience, the favorable wilderness tradition, and some important announcements concerning the nature of Israel's God, the nature of the people as God's own, the gift of the land, and a number of other concepts which will be pointed out in the course of this discussion. But what is omitted from Proto-Deuteronomy are the Sinai/Horeb traditions, the unpleasant wilderness traditions, and other typically Deuteronomistic concerns which will also come to the surface below. As for what is original in the code, this problem is even more complicated. Those laws which are crucial in the present discussion will be studied where appropriate.

#### ARGUMENTS FOR A NORTHERN ORIGIN

The list of scholars who argue that Proto-Deuteronomy has a northern or Israelite provenance is impressive. Following the lead of A. C. Welch, such men as A. Alt, W. F. Albright, G. Fohrer, A. Weiser, G. E. Wright, F. Dumermuth, H. Ringgren, and others have presented arguments for a northern origin of the book found by Josiah's men.<sup>14</sup> Others admit at least that the book contains a reworking of material from the north,<sup>15</sup> or that it was composed in the south by northerners who had fled after the disaster of 721 b.c.<sup>16</sup> The purpose of this study is to evaluate the major arguments which have been presented for northern concerns in Deuteronomy.

## DEUTERONOMY AND HOSEA

Many points of comparison have been made between the book of Deuteronomy and the only northern prophet whose preaching has been collected into a book of the canon. These comparisons have been literary, ideological, and theological. In the first place, specific verses have been compared between the books in terms of style and content. The most impressive list has been put together by H. W. Wolff.<sup>17</sup> He has compared: "forgetting Yahweh" of Hos 2: 10, 15; 4: 6; 13: 4 ff; 8: 14 with Deut 6: 12–14; 8: 11, 14, 18 f; the preaching against alliances of Hos 7: 11; 10: 4, 6; 14: 4 with Deut 7: 2; 17: 16; the view of the *tôrâh* of Hos 4: 1 f, 6 with Deut 17: 19; 31: 9 f; Yahweh as chastiser or disciplinarian of Hos 5: 2; 7: 12, 15; 10: 10 with Deut 8: 5; 21: 18; cf 4: 36; the redemption emphasis of Hos 7: 13 with Deut 7: 8; 9: 26; 13: 6; 21: 8; the life of the true prophet "with God" of Hos 9: 8 with Deut 18: 13 (with which Wolff compares the Deuteronomistic judgment on kings: 1 Kings 8: 61; 11: 4; 15: 3, 14); the brotherhood of the people of Hos 2: 3 with Deut. 3: 18, 20; 10: 9; 17: 15; 18: 2, 7, 15, 18; the *massebah* of the Canaanites of Hos 10: 1 with Deut 12: 3; 16: 22; and, finally, the "corn, wine, and oil" of Hos 2: 10 with Deut 7: 13; 11: 14; 12: 17; 14: 23; 18: 4; and 28: 51. Apart from other issues, which will be discussed below, one could increase the list by adding: the references to God finding Israel in the wilderness (Deut 32: 10 ff with Hos 11: 1 ff; 9: 10); God returning Israel to Egypt because of her unfaithfulness (Deut 28: 68 with Hos 7: 16; 8: 13; 9: 3; 11: 5); and the importance of wisdom and discernment (Deut 32: 28 f with Hos 14: 9).

Such an impressive list should not mislead one into a rash decision on the relationship between Hosea and Proto-Deuteronomy, primarily because many of the parallels cited belong to material which belongs to the work of the Deuteronomistic editor rather than to Proto-Deuteronomy (e.g., probably all those under the "brotherhood" notion as well as the understanding of the *tôrâh*). In addition, some of the parallels are simply too general to be significant (e.g., the *massebah* as well as the "corn, wine, and oil"). Some of the comparisons could be used to show different relationships (e.g., on forgetting God, see the frequency of use at Is 17: 10; 51: 13; Jer 2: 32; 3: 21; 13: 25; 18: 15; 23: 27; Ezek 22: 12; 23: 35; on Yahweh as chastiser, Deut 8: 5 sounds more like the wisdom of Prov 3: 11 f; 19: 18 although the Hosea references may be significant). The most helpful and meaningful of all the comparisons seem to be those which deal with redemption and those which express the rather unusual notion that because of Israel's unfaithfulness God will take the people back to Egypt (to begin all over?).

Second, the notion or motif of love has been cited as a parallel between the two books. However, a study of *'ahēb*, "to love," and *'ahabāh*, "love," demonstrates that the comparison is not as firm as one would like in order to establish an argument for northern provenance. In Hosea, the root *'hb* occurs sixteen times. Some of these passages use the term in a general way, and many employ *'hb* with reference to loving Baal or Baal worship as a harlot loves her lovers (2: 7, 9, 12, 14, 15; 4: 18; 9: 1, 10). In several cases, however, the reference is to Yahweh's love for Israel: 3: 1 (love a woman as Yahweh loves Israel); 11: 1, 4 (Yahweh loves his child); 14: 5 (Yahweh will love repentant Israel, which describes itself in the preceding verse as an orphan). Thus, the kinds of love present in Hosea are: the general references; the people's idolatrous love for idols; and Yahweh's love for the people in terms of the husband-wife analogy and of the father-child type.

In Deuteronomy, the root *'hb* occurs twenty-one times. While only two of these use the term apart from the Yahweh-Israel relationship, six speak of Yahweh's love for people: 4: 37 (God loved the forefathers); 7: 8 (love is the motive for Yahweh's election of Israel); 7: 13 (love is joined with blessing on the people); 10: 18 (Yahweh loves the sojourner); and 23: 5 (Yahweh loves his people). In none of these passages is there any reference to Yahweh's love for his people in terms of marriage or paternal love—as in Hosea.<sup>18</sup> As for the people's love for Yahweh, eleven cases speak of a command to love God: 5: 10; 6: 5; 10: 12; 11: 1, 13, 22; 13: 3; 19: 9; 30: 6, 16, 20. The command is directly related to keeping commandments, fearing the Lord, serving him, walking in his ways, and cleaving to him. It is, indeed, not inappropriate to say that love for God in Deuteronomy means primarily obedience to Yahweh and the keeping of his commandments.<sup>19</sup>

Therefore, while one might argue that the election-covenant love relationship can be portrayed in husband-wife or father-son images, the specific use of *'hb* in Deuteronomy is not so clearly or directly related to Hosea that one must think necessarily of a borrowing from Hosea or even of a common tradition underlying both. While for both Hosea and Deuteronomy God's love is unmerited, in Hosea this love is described in intimate, familial terms; in Deuteronomy, in formal covenant categories.

Third, it is argued that in Hosea, as in Deuteronomy, there exists a negative attitude toward kingship, or, rather more specifically, toward the dynastic kingship of Jerusalem. The law at Deut 17: 14–20 is compared with Hosea's polemics on the kings at 7: 3–7; 10: 3 f, 7, 13, 15, and especially 8: 4. About Hosea's attitude there can be no doubt, but the problems with the "royal law" of Deut 17 are, indeed, complex. The arguments center primarily in vss 14–17, 20, for many are of the opinion that vss 18–19 are secondary to the law.<sup>20</sup> First, the negative expression that the people

desire to have a king like the other nations is quite reminiscent of the anti-monarchical source at 1 Sam 8: 5,<sup>21</sup> and such a negative attitude was probably northern.<sup>22</sup> Second, the election of the king by the Lord is said to reflect the northern charismatic emphasis rather than the southern dynastic succession principle.<sup>23</sup> Third, the concern about a foreigner becoming king would have been a problem only for the north.<sup>24</sup> Fourth, the prohibition against war chariotry, a multitude of wives, and the heaping up of treasures is said to be anti-Solomonic (reflective of northern attitudes) or a northern concern against the house of Omri.<sup>25</sup> The law is included in this northern anti-dynastic source only because kingship had become a fact of life, which the writers were realistic enough to admit.<sup>26</sup>

Taken all together, these arguments present a formidable case which may, indeed, be correct. However, there are some weaknesses or at least alternative possibilities to this argumentation. First, that vs 14b is reminiscent of 1 Sam 8: 5 (also vs 19) may be explained as the common work of the Deuteronomistic editor,<sup>27</sup> who could have supplied the precise wording into the old anti-monarchical tradition which he had received and then used similar wording to introduce this law which he was incorporating into the code. There is some linguistic evidence to support Deuteronomistic authorship of this verse. The use of the expression *kkl hgwyim* is indicative of the editor's fondness for comparing undesirable practices in Israel. The precise expression appears elsewhere only in the narrative at 1 Sam 8: 5, 20, but *kgwym* occurs also and only in the Deuteronomistic passages at Deut 8: 20 (which, with vs 19, bears all the marks of a later addition; see von Rad, *Deuteronomy* p. 73) and 2 Kings 17: 11. In addition, the same style of the editor is demonstrated in his repeated "according to the abominable practices of the nations" at 1 Kings 14: 24; 2 Kings 16: 3; 21: 2; cf also 2 Kings 17: 33 and Deut 18: 9. The other significant expression in the verse concerning the nations "which are round about me" also seems to be characteristic of the Deuteronomist (with *gwym* as here, cf 2 Kings 17: 15; with 'mym, cf Judg 2: 12 and the plural passages at Deut 6: 14; 13: 8; cf also Deut 12: 10; 25: 19 in reference to enemies).<sup>28</sup>

Second, the law does not necessarily refute the dynastic kingship of the Davidic line simply because it employs the term *bhr*. David, to whom the law may refer, is said a number of times to be chosen by Yahweh both within the Deuteronomistic history (2 Sam 6: 21; 1 Kings 8: 16; cf also 1 Sam 16: 6–13) and without (Ps 89: 4, 20—a psalm which interweaves this election with the promise of an enduring dynasty; see vss 4–5, 20–38). While *bhr* does not seem to be used in referring to David's descendants, nevertheless, the notion that the initiative comes from Yahweh in their rule can be seen from the reference to the Jerusalem kings as his "anointed" (Ps 2: 2; 18:51;

20: 7, etc.) as well as from the enthronement formula "I have set my king on Zion, my holy hill" (Ps 2: 6).<sup>29</sup> Finally, the use of the adoption formula (Ps 2: 7 and implied elsewhere) may point to an election motif, even though the technical term *bhr* is not employed.

Third, that a foreigner should not become king presents problems in regard to this passage and with respect to its home. It almost seems inconsistent or illogical that this stipulation should follow the insistence on Yahweh's election; that is, only one chosen by Yahweh may become king, but the people are told that *they* may set over them only one who is from "among your brethren." But as for the question of home, it is difficult to find historical evidence for this problem in the south or in the north.<sup>30</sup> While the possibility of a foreigner becoming king in the north always existed—the only instance in the south which comes to mind is the case of the Syrian Tabeel, whom Syria and Ephraim wanted to put on Jerusalem's throne in place of Ahaz (Is 7: 5 f). It is probable, though, that the stipulation is more religious than historical, and that the real concern was with a ruler who would have little sympathy with Israel's self-understanding as the people of God and who would introduce pagan religions (which happened of course in north and south, without foreigners as kings).<sup>31</sup> Fourth, the polemic against a Solomon-like king could have originated in the south as well as in the north, as is clear from the preaching of Micah (3: 9–12). In addition, such a polemic could, indeed, have come from the pen of the Deuteronomistic editor, who gave unqualified approval to only two kings of Judah, Hezekiah and Josiah.

Thus, while Hosea is quite polemical in his attitude toward monarchy, it is by no means clear that the "royal law" of Deut 17: 14–20 is anti-monarchic (in spite of the negative connotation "like all the nations," it is said, nevertheless, "you may *indeed* set up [infinitive absolute] a king. . . .") or anti-Davidic dynasty. Surely, the passage is against any king who styles himself after Solomon, Omri, or several others, but this polemic could be at home in the south as in the north. Moreover, if one thinks of a writer who takes seriously the Davidic covenant but who harshly judges even the Davidic kings, a writer who elsewhere pointed out the dangers of kingship (1 Sam 8), a writer who elsewhere expresses himself in terms similar to several of the verses of this law<sup>32</sup>—then one brings to mind the Deuteronomist. If the law is, indeed, his work, then of course it is of no use in seeking the home of Proto-Deuteronomy.<sup>33</sup>

In spite of the weaknesses in some of these arguments to demonstrate a relationship between Hosea and Proto-Deuteronomy, however, such a relationship is not to be denied completely. There exist several points of comparison which are probably not accidental. First, there is the deep con-

cern in both works over the dangers of the Canaanite religion and specifically over the apostasy of many Israelites to the cult of Baal. This problem seems to have been particularly acute in northern Israel, as is evidenced also with the prophet Elijah. Second, the exodus tradition plays a major role in both Hosea and Proto-Deuteronomy, and, in spite of the many objections to the thesis, the house of Joseph seems to have had a special concern for preserving that tradition. Third, the positive evaluation of the wilderness in Deut 8, which seems to reflect the attitude of the original work over against the negative editorial insertions, is attested at Hos 2: 14 f.<sup>34</sup> Though the patriarchal covenant-promise—so prominent in Proto-Deuteronomy—is entirely lacking in Hosea,<sup>35</sup> there remains evidence which points toward the possibility of a common home for Hosea and the original Deuteronomy.

#### DEUTERONOMY AND THE ELOHIST

Parallels between Proto-Deuteronomy and the E source of the Tetrateuch have fallen into linguistic as well as theological-ideological categories. Along the linguistic lines, such phrases as “the Lord, God of [our, their, your] fathers,” “to go after other gods,” “to hearken to the voice of the Lord,” “to walk in his [God's] ways,” “that the Lord may bless you,” “to do that which is evil [or right, good] in the eyes of the Lord,” the use of the term “Amorite” as a general name for the occupants of the hill country of Canaan, and the use of “Horeb” as the name for Sinai—all these have been cited as indicative of an influence of E on Deuteronomy or of a common northern background.<sup>36</sup>

There are other issues of an ideological-theological nature which are interesting to compare. In the E source, there is a marked emphasis on the distance separating God from man and from the world—a distance evidenced by the necessity for God to approach men through the mediation of angels/messengers (Gen 21: 17; 28: 12, etc.) or through select individuals (e.g., the role of Moses in Ex 20: 18–20). This notion, that God does not walk the earth but dwells in heaven, is attested also in Deut 26: 15, and may be related to the “name theology” (to be discussed below). Moreover, in the E source is the common reference to “fear of God” or “fearing God,” which appears frequently with the same meaning of obedience to God’s commands and awe in his presence in Deuteronomy.<sup>37</sup> Also the notion of God testing his people appears both in the Elohistic passages at Gen 22: 1; Ex 20: 20<sup>38</sup> as well as in Deut 8: 2, 16; 13: 4.

In addition to these issues, some geography is worth noting. The Elohistic source is well known to be particularly interested in the northern sanctuaries of Bethel and Shechem, and the role of the Shechem area in Deuteronomy

is undeniable from the mention of the mountains of blessings and curses: Gerizim and Ebal, respectively (Deut 27).<sup>39</sup>

Finally, it can be argued that the Decalogue of Ex 20: 1–17 and the Book of the Covenant (Ex 20: 22–23: 33), both of which are often assigned to E, must surely be considered in the question of Deuteronomy’s origin, for the Decalogue is repeated at Deut 5: 6–18, and many laws in Deut 12–26 are similar to or modifications of many regulations in the Book of the Covenant.<sup>40</sup>

Now to evaluate these comparisons between the Elohist and Proto-Deuteronomy. In the first place, the linguistic arguments are not convincing in every case, because the parallels which are cited could be used to demonstrate any number of relationships. The phrase “to hearken to the voice of the Lord,” which is common in Deuteronomy, occurs in the Tetrateuchal material at Ex 15: 26; 19: 5; 23: 21–22; Num 14: 22. While Ex 19: 5 might be E, there is the distinct possibility that the other three cases are Deuteronomistic inserts. Apart from these cases, the expression occurs only in Judg 2: 20; Ps 81: 12; 106: 25; cf also Ps 103: 20. The reference to “going after other gods,” which occurs five times in Deuteronomy (6: 14; 8: 19; 11: 28; 13: 2; 28: 14), appears elsewhere at Judg 2: 12, 19; 1 Kings 11: 10; Jer 7: 6, 9; 11: 10; 13: 10; 16: 11; 25: 6; 35: 15. Thus, far from pointing to E, the precise phrase seems, rather, to demonstrate a relationship with the Deuteronomistic historian and with Jeremiah.<sup>41</sup> “To walk in his ways,” attested often in Deuteronomy (8: 6; 10: 12; 11: 22; 19: 9; 26: 17; 28: 9; 30: 16; cf also 5: 33; 13: 5, 6), is extremely common in the Deuteronomistic history (Josh 22: 5; 1 Sam 8: 3, 5; 1 Kings 2: 3; 3: 14; 9: 4; etc.), but the only E passage which can be compared is Ex 18: 20, where “the way in which they must walk” sounds more like the wisdom way(s) of Ps 1: 6; Prov 2: 13, 20; cf Prov 3: 23. “To do that which is evil [or right, good] in the eyes of the Lord,” common in Deuteronomy (4: 25; 9: 18; 12: 25; 13: 19; 17: 2) appears in the Tetrateuch only at Ex 15: 26, which is probably not E. “That the Lord may bless you,” usually introduced in Deuteronomy either by *lm'n* (14: 29; 23: 21; 24: 19) or by *ky* (14: 24; 15: 4, 10; 16: 15),<sup>42</sup> has no precise parallel. References to the Lord blessing “you” of course appear at Gen 28: 3; 49: 25; Ex 20: 24; 23: 25 (the third of which is E if the Book of the Covenant can be so labeled), but it is doubtful that such a general statement on blessing can be used to establish a relationship with Deuteronomy. The use of the term “Amorites” in referring to the occupants of the hill country of Canaan is difficult to establish as a characteristic of E, since out of the cited cases (Gen 15: 16; Num 13: 29; Josh 24: 8, 15, 18), none can be assigned with certainty to E. As for the phrase “the Lord, God of . . . fathers” and the use of “Horeb” as the mountain of God, both of which

are common in Deuteronomy, there can be no question as to their attestation in E. However, that is precious little evidence to demonstrate a relationship between E and the book found in the Jerusalem Temple. The major difficulty in dealing linguistically with this relationship is that in both works there is great debate on what constitutes the source.

As for the theological-ideological comparisons which have been listed above, it is interesting to note that the transcendence of God and the notions that one should fear God and that God tests his people are features which one might expect to find in wisdom literature. In fact, that God dwells in heaven is attested at Eccles 5: 2; Job 16: 19; 22: 12; 25: 2; 31: 2, and for the accompanying notion that man is terrified in the presence of this holy God, see Job 23: 15 f; 42: 1-6. The use of "fear of God" or "fear the Lord" is quite common of course in wisdom literature, and is, in fact, nothing less than "the beginning of wisdom" (Prov 1: 7; 9: 10; cf also 10: 27; 14: 2; 24: 21, etc.). That God tests men is a theme in wisdom traditions can be seen not only in the framework of the book of Job but also at Eccles 3: 18; Prov 17: 3; cf also Prov 16: 2; 21: 2; 24: 12.<sup>43</sup> It may be then that these similarities between E and Deuteronomy are to be explained on the basis of a common wisdom influence, but this judgment does not deny the use of E to argue for a northern origin of Deuteronomy.<sup>44</sup>

The comparison of the law codes presents some problems of a different nature. First, if the scope of Proto-Deuteronomy accepted in this study is correct, then the Decalogues of Ex 20 and Deut 5 cannot be employed in this argument, for Deut 5 has been excluded from the original work. Second, while the Elohistic Book of the Covenant does, indeed, seem to serve as a basis for the Code of Deuteronomy, the precise relationship between the two is not clear.<sup>45</sup> Obviously a different situation had caused the necessity for writing a new code, but that different setting could be explained as geographical as well as sociological (especially in view of the conflicts in regard to the existence of a number of cultic sites) and thus could point to a southern situation. The comparisons between the codes demonstrates only that the writer of Deuteronomy had knowledge of the older Covenant code from the north.

Thus, with E as with Hosea, there are a number of difficulties in the arguments which are presented to show a relationship with the original Deuteronomy. While the linguistic evidence is not as overwhelming as is sometimes argued, there remain some cases which point to a possible common setting for E and Deuteronomy. Much more important and clear, it seems to me, are the theological-ideological features which are common in the two works; even if wisdom is the common influence on these matters, nevertheless a relationship does seem to exist between the Elohistic source and Proto-

Deuteronomy which may be explained within geographical categories. There remains one more issue to be discussed before leaving Hosea and the Elohist.

#### MOSES THE PROPHET IN HOSEA, E, AND DEUTERONOMY

The emphasis on prophecy and, in particular, the understanding of Moses as a prophet have been argued to be common to all three sources and thus reflective of a common background. In the Elohistic source, the enthusiasm for prophets and prophecy is clear, particularly in E's designation of Abraham as a prophet who would intercede for Abimelech (Gen 20: 7)<sup>46</sup> and in the repeated address by God followed by the response "Here am I" (Gen 22: 1, 11 in reference to Abraham; Ex 3: 6, to Moses), which seems to reflect a prophetic call formula (cf Is 6: 8; 1 Sam 3: 4, 6). Then too, in Hosea, who is obviously interested in prophecy, Moses is specifically called a *nby'* at 12: 14. And in Deuteronomy in two places—18: 15-22 and 34: 10—Moses is regarded as the prophet par excellence. Moreover, to further cement the relationship, the role of prophetic mediator assigned to Moses at Deut 18: 16-17 is tied up directly with the E passage at Ex 20: 18 ff. Thus, it is clear that in all three sources, Moses is regarded as a prophet.

What is questionable, however, is whether the passages in Deuteronomy belong to the original book or are due to the work of the later editors. No one would argue for the originality of 34: 10, and some even consider it to be E.<sup>47</sup> But the passage at 18: 15-22 is a complicated problem. According to some scholars, the entire piece is a later addition, primarily because of the exalted role of Moses, which is uncharacteristic of the Code of Deuteronomy.<sup>48</sup> In addition, if the criteria set down at the beginning of this study are valid, then the passage—or at least vss 16-18, if they can be separated from the rest—is not original, because it is based on Sinai-Horeb traditions which have been excluded from Proto-Deuteronomy. But there are other problems<sup>49</sup> with the originality of the passage. The expressions *nby'* . . . *yqym lk yhwh* and *nby'* . . . *'qym lhm* (vss 15 and 18) betray Deuteronomistic authorship, for *hēqîm* is used in the same way in this history in reference to judges (Judg 2: 16, 18; 3: 9, 15), a priest (1 Sam 2: 35), and a king (1 Kings 14: 14; cf also 2 Sam 7: 12; 1 Kings 15: 4). Also, the effectiveness of the Word of God in vs 22 is characteristic both of the Deuteronomistic historian and of Deutero-Isaiah, who is roughly a contemporary (cf especially Is 55). In addition, the understanding of prophecy applied to Moses in the passage is somewhat different from the prophetic role of Moses in the Elohistic source,<sup>50</sup> and may reflect a later period, when "there has been time to reflect on the analogy between Moses and prophetism."<sup>51</sup>

If this passage is omitted from the original work along with 34: 10, there remains only one place in Deuteronomy where prophets or prophecy is mentioned: 13: 1-5. Though this passage too may be a later addition, with its mixture of singular and plural forms, even its originality in the book would not be sufficient to argue that Proto-Deuteronomy, though apparently influenced by prophetic preaching, demonstrates an explicit enthusiasm for prophets.<sup>52</sup> If this argumentation is legitimate, then there is weakened not only the relationship with E and Hosea but also the theory that the provenance of Proto-Deuteronomy is to be sought in northern prophetic circles.<sup>53</sup>

#### AMPHICTYONIC TRADITIONS

The book of Deuteronomy is said to contain many traditions of the old sacral confederacy—particularly the Sinai covenant and the Holy War—and in this way to reflect northern enthusiasm for the amphictyony. First, the Sinai covenant, which is said to be renewed in Deuteronomy. Now according to the scope of Proto-Deuteronomy assumed in this study, Sinai/Horeb is not mentioned explicitly; rather, the covenant in this book is that made in Moab. Perhaps Sinai/Horeb is not even implicit in the original work. Though the structure of Proto-Deuteronomy—even as it is understood here—corresponds to the suzerain-vassal treaty formula<sup>54</sup> in its general outline, one cannot assume that this structure points to Sinai.<sup>55</sup>

In fact, the more one studies Ex 19-24, the heart of the Sinai theme, the more questionable the presence of the covenant formula becomes. The oldest source, J, apparently speaks primarily of a theophany-Ritual Decalogue tradition (Ex 19; 34: 11-26), unless one can show that 19: 3-8<sup>56</sup> and 24: 3-8 are unquestionably Yahwistic. The Decalogue and the Book of the Covenant are probably Elohistic, but that the latter code belonged originally at Ex 21-23 is questionable. The Book of the Covenant, in spite of the literary connection with 24: 7 (which seems to be secondary), is generally agreed to be inserted from another place. Conjectures on the place from which it came range from just after Josh 24 to just before Deut 27: 2-8.<sup>57</sup> But its original position seems not to have been at Ex 21-23. Now when the remaining Elohistic material is isolated, there remains only a Decalogue which is preceded by a terrifying theophany and perhaps followed by covenant-making rite (24: 1-2, 9-11). Neither combined nor separated into sources, do J and E portray the Sinai tradition along the lines of the suzerain-vassal treaty.<sup>58</sup>

However, it is clear that the formula is present in Proto-Deuteronomy, and it is also obvious that such a covenant pattern was known in northern Israel: at Shechem (Josh 24) and at Gilgal (1 Sam 12). Therefore it can be argued that the amphictyonic tradition of covenant renewal according to the

structure of the suzerain-vassal treaty provides the basic outline of Proto-Deuteronomy, and is reflective of northern interests. These interests, however, are probably not to be centered in the Sinai material.<sup>59</sup>

Second, northern interest in amphictyonic traditions is said to be evident in the Holy War ideology,<sup>60</sup> attested in Deuteronomy at 7: 16-26; 9: 1-6; 20: 1-10; 31: 3-8 (probably the first two and parts of the third belong to the original work). It is clear that the Holy War characteristics are present in these passages, but what is now questionable is whether the Holy War was, indeed, an amphictyonic phenomenon. A recent study by R. Smend<sup>61</sup> shows that the Holy War was not a concept of the early amphictyony but an event which led to national status, at first an activity of certain tribes and only later of the confederation. Smend goes on to demonstrate that this "War of Yahweh"—as he prefers to call it, since he does not consider it cultic primarily—was the contribution and concern of the Rachel tribes. If this reasoning is accurate (and there is much to commend it), then one can argue for a northern origin for Proto-Deuteronomy on the basis of the fact that the most influential tribes of the north were the primary practitioners of the Yahweh War. This practice, however, should probably not be labeled amphictyonic.

#### THE COMPLEX OF CULT CENTRALIZATION, THE NAME CONCEPT, AND DWELLING THEOLOGY

The issues of the centralization of the cult<sup>62</sup> at the chosen place where Yahweh causes his name to dwell are the most complex matters with which to deal in this question concerning the home of Proto-Deuteronomy. Space does not permit a detailed summary and analysis of all the arguments concerning these issues, but such a study would be incomplete without at least pointing to some of the difficulties with the arguments.

The clause "the place which the Lord your God will choose" occurs no less than twenty times in the book of Deuteronomy (12: 5, 11, 14, 18, 21, 26; 14: 23-25; 15: 20; 16: 2, 6 f, 11, 15 f; 17: 8; 26: 2; 31: 11), only one of which lies outside the code. The arguments for the origin of cult centralization in northern Israel generally begin with the notion of a central shrine in the amphictyonic period, for the sanctuaries at Bethel, Gilgal, Shiloh (and Shechem?) seem to have contained the Ark of the Covenant and would thus qualify as cultic centers. These northern sanctuaries might then have served as prototypes for the centralization theme of Deuteronomy, and possibly even one of these four "places" might have been intended in Proto-Deuteronomy.

In nine of the twenty places which speak of the chosen place in Deuteronomy, there is added the notion that Yahweh will "cause his name to dwell

there" (12: 5, 11, 14; 14: 23, 24; 16: 2, 6, 11; 26: 2). There are two issues involved in this phrase: name, and dwelling. First, the name of Yahweh is intimately bound up with the cult site. What is unusual about this name concept in Deuteronomy is that, unlike the many prior references to Yahweh's name at this or that sanctuary (Is 18: 7, Ex 20: 24; etc.) or otherwise identifying Yahweh with his name, the concept here seems to be that *only* Yahweh's name dwells in the chosen place. Yahweh himself lives in heaven (Deut 25: 19). Thus, it seems that, in contrast to the general Old Testament usage, where the name *is* the person, for Deuteronomy, the name is Yahweh's means of making himself available to his people.<sup>63</sup>

It is argued that this understanding of Yahweh's presence is not consistent with Jerusalem Temple theology, which stressed Yahweh's presence as enthroned on the Ark of the Covenant. Moreover, where the Ark does occur in the book of Deuteronomy, it is considered to be a mere container of the law (Deut 10: 1-9; 31: 9, 24-26). But it is well known that in the Holy of Holies of Solomon's Temple, the Ark played an exalted role as the throne of Yahweh. Now the movement by David of the Ark from the north (where it was housed in the successive central sanctuaries) to Jerusalem had caused a religious vacuum in the north. To compensate for this after the disruption of the monarchy, Israel's King Jeroboam took drastic measures. At the sanctuaries of Bethel and Dan, he established the golden calves (1 Kings 12) as pedestals for Yahweh, thus providing cultic objects comparable to the Ark now in Jerusalem.<sup>64</sup> This much of the situation is fairly well established. But at this point, some of the proponents of the northern theory of Deuteronomy develop the thesis that owing to prophetic condemnation of the golden calf symbol (cf Hosea 8: 4b ff), there developed in the north the name theology as a more exalted notion of explaining Yahweh's presence apart from the Ark. This idea naturally led to devaluing the Ark as the throne of the abiding presence.<sup>65</sup>

Closely related to the name theology and to the polemic against the Ark as the abiding presence of Yahweh in the Jerusalem Temple is the notion that Yahweh "tabernacles" or "dwells" (*škn*) or allows his name to dwell at the central sanctuary. While *yšb* refers to continuing presence, and is used in the sense of enthronement on the Ark, *škn* points, rather, to taking up temporary residence, to pitching a tent. It is argued that the *miškān/škn* "sanctuary" theology, though used mostly by the Priestly writer, goes back to an old sacral tradition of the north. At 1 Chron 16: 39; 21: 29, the sanctuary at the northern city of Gibeon is called the *mškn-yhwh* apparently because it contained the tent of meeting (*'ōhel mō'ēd 'elohim*; cf 2 Chron 1: 3). In addition, the sanctuary at the northern city of Shiloh is *mškn* (Ps 78: 60), and the *škn* name theology is assigned to that same city at Jer 7: 12.

On the other hand, the argument continues, the Jerusalem sanctuary is called a *mškn* only in later literature (1 Chron 6: 33; 2 Chron 29: 6; Ps 26: 8; 74: 7), and so the *škn* theology, though present also at 1 Kings 6: 13; 8: 12 f; Is 8: 18, in connection with Jerusalem, does not seem to have caught on in the south. In addition, the use of the *miškān/škn* theology at 2 Sam 7: 5 f is anti-Temple.<sup>66</sup>

It must be admitted in evaluating these arguments in this difficult complex that a good deal of logic prevails. However, sound textual evidence is simply not available to argue these points conclusively. It is, indeed, true that the notion of a central (though not exclusive) sanctuary in the amphicyonic period was prevalent in the north, for several northern cities had made that claim to fame. However, it is clear that in moving the Ark to Jerusalem, David made that city the central cult site, and so after that time the centralization theme could apply to Jerusalem as well as to—in fact, more than—any northern city. As for the name theology, the arguments for northern provenance have little early and reliable textual support. The only passage in which a northern city is said to have possessed the "name" is Jer 7: 12, where Shiloh is the place "where I made my name dwell at first." That a prophet in Jerusalem at the end of the seventh century B.C. should use such an idea for Shiloh may be explained on grounds other than preserving an old sacral tradition. We shall return to this point.

The *mškn/škn* theology has more to commend it. There is evidence concerning the *mškn* notion both at Gibeon and at Shiloh. However, while it is, indeed, possible that these texts preserve an old tradition, it must be said that the earliest one is Jer 7: 12. While the *yšb* Ark as throne concept prevailed in Jerusalem, such texts as Is 8: 18; 1 Kings 6: 13; 8: 13, which connect *škn* to Jerusalem/Mount Zion, cannot be totally ignored; neither can the material from Chronicles cited above.<sup>67</sup> Thus, there is no early conclusive evidence for a northern origin of the *škn* theology.

A larger problem than the attempt to show that the place-name-*škn* complex is northern or southern in Proto-Deuteronomy is the question as to whether all the elements of the complex belong to the original work. With regard to the name theology, several questions arise: 1) Would the notion that *only* Yahweh's name dwelt at the Temple have been useful to Josiah or to anyone else who was attempting to centralize all cultic activity at one site? One would think that to extol one place to the exclusion of others, the theological corrective of the name concept would have been detrimental to Josiah and perhaps removed from the book. 2) Is the concept of the Ark as a law container the development of or simultaneous with the name theology?<sup>68</sup> The only places in the book of Deuteronomy which mention the Ark (10: 1-9; 31: 9, 24-26) are generally agreed to be Deuteronomistic.

supplements. While it can be argued that the Deuteronomistic editor could have described the Ark in no other way once the name theology stood before him, it might be said that this notion militates against the exalted view of the Temple necessary for the Deuteronomist's criterion for judging every king of Israel and Judah: the purification of the cult at Jerusalem. For such a criterion, the historian needed a Temple view which would not be devalued *simply* because of the name theology's presence in a book which had been handed down to him.

It seems to the present writer that the only legitimate reason for the Deuteronomist's use of the name theology and his devalued description of the Ark is the historical situation which he addressed. It is only in the face of the destruction of the Temple in 586 B.C. that the Deuteronomist could have spoken—in fact, needed to speak—of the Ark no longer as a throne but only as a container of the law. And it was in light of such a situation that he spoke of the Temple as the place where *only* Yahweh's name dwelt.<sup>69</sup> Both these ideas undercut his exalted understanding of the Temple, but his only alternative was to admit that, by the destruction of the Temple, God was dead.

As for the *mškn/škn* theology, it does seem that this dwelling concept could have been present in the north, especially since the tent of meeting seems to belong to the northern sanctuaries at Gibeon and at Shiloh. However, it is not thereby necessary to argue that the northern theology infiltrated Proto-Deuteronomy and then influenced the Deuteronomistic editor. While it is true that the *škn* concept was used by the historian, it does not necessarily follow that he learned of it through Proto-Deuteronomy. At 1 Kings 8: 12 f, 27 ff, and 6: 13 the historian employs the *škn* theology in speaking of the Temple at Jerusalem. The reason for this usage is probably directly related to the historical situation in which he found himself. He would have been committing theological suicide to insist on a *yšb* theology, for if Yahweh were tied up (i.e., permanently enthroned) to a particular place which had been destroyed, then Yahweh was no more. In addition, even if the Temple had been standing in Jerusalem, Yahweh's abiding presence there would have served the exiles in Babylon no use at all. However, to argue that Yahweh only tabernacled (*škn*) at the Temple allowed the exiled people and the remnant in Judah to live in the hope that the God who lives in heaven will again pitch his tent in their midst.

There are two pieces of evidence in particular which can be used to show that the name/*škn* theological complex was employed in connection with the destruction of the Temple, and perhaps was *initiated* because of that disaster. First, there is the testimony at Ps 74: 2, 7. The community lament over the destruction of the Jerusalem Temple speaks of Mount Zion as the

place “where thou has dwelt (*škn*)” and as “the dwelling place of thy name *mškn-šmk*.” It is precisely this exilic theology which enables the people to wait in hope for him who “is my king from of old” (vs 12) and who will arise to plead his cause (vs 22).

Second, there is the passage at Jer 7: 1–15, the temple speech of the prophet. In view of the impending disaster which Jeremiah sees coming upon Jerusalem, he points to the false hope in the inviolability of Jerusalem and its Temple, and he calls for repentance. Because he sees the probability of the destruction of the city, Jeremiah employs the *škn*/name concepts throughout the speech. If the people repent, then Yahweh will dwell (*škn*) with them “in this place” (vss 3, 7).<sup>70</sup> Moreover, the place of his “name” he will destroy just as he destroyed Shiloh, “where I made my name dwell at first.” The sequence in this argument seems to be 1) the Temple is about to be destroyed; 2) other sanctuaries were destroyed; 3) if there is any hope held out, then not Yahweh's abiding presence but his name as dwelling in the Temple must be proclaimed; 4) Yahweh continued after Shiloh was destroyed, and he will continue even when Jerusalem is destroyed. In other words, if this speech is, indeed, Jeremiah's own, then it seems probable that, rather than receiving a name/*škn* tradition from Shiloh, Jeremiah was faced with expounding a presence theology which would suit the historical situation. In doing so, he used as an illustration the Shiloh sanctuary, because it had been destroyed, and to that sanctuary Jeremiah attached the concepts necessary for his argument. If the passage is not, in its final form, Jeremianic but the editorial result of the Deuteronomist, then it becomes even more probable that the name/*škn* theology was imposed on Shiloh in the exilic period in order to hold out hope for the covenant people of that time. It is possible, of course, to argue that the use of the name/*škn* theology at Jer 7 and at Ps 74 does not point to its origin in the exilic period. However, the only texts which use these concepts in a technical way come from the period after 608 B.C. (if Jer 7 is authentic in its final form) or probably after the destruction of the Temple in 586 B.C.

#### CONCLUSION

On the basis of some of the arguments which have been offered over the past several decades, it is probable that the home of Proto-Deuteronomy, or at least of the major traditions of that work, lies in northern Israel. However, the arguments for that provenance are not as firm or as extensive as has sometimes been supposed. Of the points of contact which have been made with the prophet Hosea, those which seem to be most directly related and most legitimate in arguing for a northern home are the parallels between

Deut 28: 68 and Hos 7: 16; 8: 13; 9: 3; 11: 5, in which it is said that God will return Israel to Egypt because of her unfaithfulness, the concern about Canaanism, and the common interest in the exodus and positive wilderness traditions. The similarity of the Elohistic source of the Tetrateuch with Proto-Deuteronomy can be maintained on the basis of a few linguistic parallels, but more important are the role of Shechem and the theological issues of the transcendence of God, the fear of God, and the testing of the people by God. It is probable that these common themes are due to the influence of wisdom traditions on both, rather than to a direct influence of E on Deuteronomy. Even the comparison of Hosea, E, and Deuteronomy on the matter of Moses as a prophet is highly debatable, since the crucial passage at Deut 18: 15–22 seems not to belong to Proto-Deuteronomy.

On the matter of the amphictyonic traditions, the arguments concerning the Sinai material and the Holy War ideology need refinement and restatement in the discussion of this problem, because while the covenant renewal pattern is evident in Proto-Deuteronomy, in Sinai it is not, and that Sinai is at all present in the original work is doubtful; and while the Holy War or War of Yahweh characteristics are attested in several places, this institution is not an amphictyonic phenomenon. In any case, both the covenant renewal pattern and the Holy War point to the north, for the former is known to have been used at Shechem and at Gilgal, and the latter seems to be a particular concern of the Rachel tribes. As for "the place which the Lord your God will choose to make his name dwell there," there is little evidence for finding a home for the name theology in the north, and the chosen place or central sanctuary could, indeed, mean Jerusalem, according to the traditional understanding. While there exists some evidence for the *škn* theology in northern sanctuaries, the presence of this notion in the book of Deuteronomy is more likely to be explained by the historical situation of the Deuteronomistic editor. If some of the elements of this sanctuary-name-*škn* complex do, indeed, belong to the original work, then perhaps a solution along the lines of Nicholson's suggestion, concerning the composition of the work in the south by northerners who had fled south and who saw the hope of the people in Jerusalem, would make a good deal of sense.

#### NOTES

<sup>1</sup> Most notably Gerhard von Rad, *Studies in Deuteronomy*, Studies in Biblical Theology, No. 9, trans. David Stalker (London, 1953), pp. 60–69; G. E. Wright, *Deuteronomy*, I, II, pp. 325 ff; H. W. Wolff, "Hoseas geistige Heimat," *Gesammelte Studien* (Munich, 1964), pp. 232–50.

<sup>2</sup> E. W. Nicholson, *Deuteronomy and Tradition* (Philadelphia, 1967), pp. 58 ff.

<sup>3</sup> O. Bächli, *Israel und die Völker: Eine Studie zum Deuteronomium* (Zürich, 1962).

<sup>4</sup> M. Weinfeld, "The Origin of Humanism in Deuteronomy," *JBL* 80 (1961), 241 ff; "Deuteronomy: The Present State of Inquiry," *JBL* 86 (1967), 249 ff; "The Dependence of Deuteronomy upon the Wisdom Literature," (Heb), *Kaufmann Jub. Vol.* (1960), pp. 89–105.

<sup>5</sup> O. Eissfeldt, *The Old Testament: An Introduction*, trans. P. R. Ackroyd (New York, 1965), pp. 231 f.

<sup>6</sup> M. Noth, *Überlieferungsgeschichtliche Studien I<sup>2</sup>* (Tübingen, 1957), pp. 27–40.

<sup>7</sup> G. von Rad, *Deuteronomy*, "The Old Testament Library," trans. Dorothea Barton (Philadelphia, 1966), pp. 11 f. Here von Rad argues for the scope of Deuteronomy proper to run from 4: 44 to 30: 20. In another place, however ("Deuteronomy," *IDB*, I, pp. 831 ff), von Rad seems to regard the introduction as beginning with ch. 6.

<sup>8</sup> E. W. Nicholson, *Deuteronomy and Tradition*, pp. 18–36.

<sup>9</sup> Georg Fohrer, *Introduction to the Old Testament*, trans. David E. Green (New York, 1968), pp. 165–78.

<sup>10</sup> Hartmut Gese, "Bemerkungen zur Sinaitradition," *ZAW* 79 (1967), 137–54, esp. pp. 149–54.

<sup>11</sup> Actually, the block from 5: 1–6: 1 is plural, and 6: 2–3 is singular. However, because of the introductory word *lm'n* in vs 2, these last two verses cannot be separated from vs 1. Perhaps the singular is employed in 6: 2–3 in order to provide a transition to the singular material beginning with the *šm'* at 6: 4.

<sup>12</sup> Gese's conclusions can be supported by another piece of evidence. A study of the vocative use of the name "Israel" bears some interesting results. In the book of Deuteronomy, the vocative *yšr'l* is usually accompanied by the imperative *šema'*, but there is a difference in usage between those passages which are Proto-Deuteronomy and those which are not. In the passages which lie outside the scope of Proto-Deuteronomy, there is always a direct object following the *šema'* (or there is one implied), and that object is statutes and ordinances/commandments: 4: 1; 5: 1; 6: 3. In contrast, the use of the vocative *yšr'l* (usually preceded by *šm'*) in Proto-Deuteronomy serves to introduce an important announcement:

6: 4 Hear, Israel: the Lord our God is one Lord.

9: 1 Hear, Israel: you are to pass over the Jordan . . . to dispossess nations great and mightier than yourselves.

27: 9 Hear, Israel: this day you have become the people of the Lord your God.

10: 12 And now, Israel: what does the Lord require of you, but to fear the Lord your God. . . .

Thus, the break between 4: 1–6: 3 and 6: 4 ff is further substantiated by this stylistic device employing the vocative Israel with the imperative *šema'*.

<sup>13</sup> While throughout this study I make some sharp contrasts between what is Proto-Deuteronomy and what is the work of the later Deuteronomistic editor, I do not mean to imply that only two stages of development explain the present book. The Canonical Deuteronomy surely must be the result of a complicated and gradual growth, the major editorial expansions occurring, I believe, at the time of Josiah and in the exilic period under the Deuteronomist (or perhaps Deuteronomistic school). Only in certain cases am I willing to designate one or the other of these revisions / expansions. The task of this study has to do only with what was or was not original, for that question is vital to the question of provenance.

<sup>14</sup> A. C. Welch, *The Code of Deuteronomy: A New Theory of Its Origin* (London, 1924), who argues that only the code is original; W. F. Albright, *FSAC<sup>2</sup>* (1946), p. 241; A. Alt, "Die Heimat des Deuteronomiums," *Kleine Schriften* II (1953), 250–75; G. Fohrer,

*Introduction* . . . , pp. 174 f; G. E. Wright, *Deuteronomy*, pp. 311–30; F. Dumermuth, "Zur deuteronomischen Kulttheologie und ihre Voraussetzungen," *ZAW* 70 (1958) 59–98; H. Ringgren, *Israelite Religion*, trans. David E. Green (Philadelphia, 1966), pp. 165 f.

<sup>15</sup> G. von Rad, *Studies in Deuteronomy*, p. 68.

<sup>16</sup> E. Nicholson, *Deuteronomy and Tradition*.

<sup>17</sup> Hans Walter Wolff, "Dodekapropheton I: Hosea," *BKAT* 14 (1961), 48 and 294 (forgetting Yahweh), 273 (contra alliances), 176 f (*tōrāh*), 125 (chastiser), 162 f (redemption), 20g (true prophet), 33 (brotherhood), 225 (*massebah*), and 44 (grain, wine, and oil).

<sup>18</sup> The father-son relationship does, indeed, appear at Deut 8: 5; 14: 1, but is not attested in these passages. At 14: 1 f, there is a direct relationship between the concept of Israel as "sons of the Lord your God" (vs 1) and the election formula (vs 2). This formula of vs 2 is identical to 7: 6, where there immediately follows in vss 7–8 the use of 'hb as Yahweh's sole motive for choosing Israel. One might argue therefore that the son relationship of 14: 1 f plays the same role as the love motive in 7: 6 ff. However, it seems to the present writer that the Deuteronomistic editor is responsible for this "sons of the Lord your God" motif (a plural verse) and perhaps also for repeating the formula from 7: 6. If this is correct, then 14: 1 f. cannot be employed against the judgment that there is no father-son love in Proto-Deuteronomy.

<sup>19</sup> This understanding of love in Deuteronomy has been shown by William Moran, *CBQ* 25 (1963) 77–87, to have its background in the Amarna correspondence, where *ra'āmu* (the semantic equivalent of 'hb) is employed: 1) in international treaties to denote friendship among independent and equal rulers (EA 27: 72–73); 2) in faithful relationships between a sovereign and a vassal (EA 123: 23; 53: 40–44); and 3) in the service of a servant to his king (EA 83: 51; 137: 47). This love is defined in terms of obedience, loyalty, and service, and thus is parallel to that in Deuteronomy.

<sup>20</sup> G. von Rad, *Deuteronomy*, p. 119; Galliing, "Das Königsgesetz in Deuteronomium," *TLZ* 76 (1951), col. 138; E. Nicholson, *Deuteronomy and Tradition*, p. 93; A. Alt, "Die Heimat des Deuteronomiums," p. 264, n. 3.

<sup>21</sup> For comparisons between 1 Sam 8 and Deut 17: 14–20, see R. de Vaux, *Ancient Israel: Its Life and Institutions*, trans. John McHugh (New York, 1961), pp. 98 f. Also see E. Nicholson, *Deuteronomy and Tradition*, pp. 49 f. However, Galliing argues that since 1 Sam 8 is anti-monarchy per se while Deut 17 is not, the comparison is not helpful.

<sup>22</sup> A. Alt, "Die Heimat des Deuteronomiums," pp. 263 ff; E. Nicholson, *Deuteronomy and Tradition*, p. 69; A. C. Welch, *The Code of Deuteronomy*, pp. 117–32.

<sup>23</sup> A. Alt, "Die Heimat des Deuteronomiums," p. 265; K. Galliing, *TLZ* 76 (1951), col. 135; G. von Rad, *Deuteronomy*, p. 119.

<sup>24</sup> K. Galliing, *TLZ* 76 (1951), col. 135. Noth suggests the possibility that the law has in mind the case of Omri, whose name is closely related to Arabic roots (*The History of Israel*<sup>2</sup>, New York, 1960, p. 230, n. 1).

<sup>25</sup> K. Galliing, *TLZ* 76 (1951), cols. 135 ff.

<sup>26</sup> E. Nicholson, *Deuteronomy and Tradition*, pp. 80 f, 105; A. Alt, "Die Heimat des Deuteronomiums," pp. 263–68.

<sup>27</sup> Alt (p. 264, n. 2) believes that 1 Sam 8: 5 is a Deuteronomistic narrative dependent upon Deut 17: 14. However, the linguistic evidence above points to Deuteronomistic authorship of both passages.

<sup>28</sup> Elsewhere in the OT, "nations (*gwym*) which are round about" occurs at Lev 25: 44; Ezek 5: 7; 11: 12 (cf also 36: 36); Neh 5: 17; 6: 16. The dating of these passages may be significant for understanding the verse at Deut 17: 14 as Deuteronomistic rather than as belonging to Proto-Deuteronomy.

<sup>29</sup> Even if the passive rendering of this acclamation (so LXX) is correct, the initiative is nevertheless Yahweh's.

<sup>30</sup> But see note 24.

<sup>31</sup> Though *miqqereb* is particularly common throughout Deuteronomy, *miqqereb* 'āheykā is quite similar to Deut 18: 15, 18, which may be a supplement to the original work.

<sup>32</sup> In addition to the similarities at vs 14, cf vs 20 with the later material at 30: 17 f.

<sup>33</sup> One more point in particular is of interest. In connection with the prohibition against multiplying horses or causing the people to return to Egypt (as slaves? mercenaries?) in order to multiply horses (Deut 17: 16), there appears the statement that Yahweh promised they "shall never return that way again." Since the only other reference to such a promise occurs at Deut 28: 68, which seems to belong to the original book, it might be argued that this verse (and thus the whole law) is also original. However, the motive clause (the promise) at 17: 16b is plural in the midst of an otherwise singular passage; moreover, it is not clear that this motive is consistent with the stipulation. For these reasons, it has been excluded from its immediate surroundings by Welch, who otherwise regards the law as original. The entire law is regarded as a supplement by G. Fohrer, *Introduction to the Old Testament*, pp. 170, 172.

<sup>34</sup> If George Coats is correct (*Rebellion in the Wilderness*, Nashville, 1968) that the murmuring motif of the wilderness tradition is a Judean polemic against the Northern Kingdom, then the positive wilderness experience might indeed be the North's expression of that period. There are some problems with Coats' arguments, however, particularly in his rejection of Ex 14: 11 f and 17: 3 as E (i.e., the northern source), for on the basis of Num 21: 4–9, such an unfavorable or negative experience does seem to be present in E.

<sup>35</sup> While Hosea does mention some of the peripheral traditions about Jacob (12: 2–6, 12), the theological motifs of the patriarchal covenant and election are not present. This fact may of course be purely accidental.

<sup>36</sup> G. E. Wright, *IB*, II, pp. 318 ff. Wright himself questions whether some of the passages cited in the list taken from Driver (*Deuteronomy*, ICC, pp. lxxviii–lxxxiv) are really E. However, some of those which he adds to the list (p. 320, n. 28), such as the "hornet" (Deut 7: 22; Ex 23: 28; Josh 24: 12) and the reason why some Canaanites were left in the land (Deut 7: 22; Ex 23: 29–30), are probably D rather than E.

<sup>37</sup> In E, cf Gen 20: 11; 22: 12; Ex 1: 17, 21; 3: 6; 18: 21, etc.; in Deut, cf 4: 10; 5: 29; 6: 2, 13, 24; 8: 6; 10: 12, 20; 28: 58; 31: 12 f.

<sup>38</sup> It is possible that Ex 15: 25b is Elohistic, but the testing by Yahweh at 16: 4 seems to be J.

<sup>39</sup> Deut 11: 29–30 locates the mountains as opposite Gilgal near Jericho, but this supplementary material is obscure, to say the least.

<sup>40</sup> It must be admitted that the argument as stated here is a bit more pointed than is usually found, but the implications of various statements would lead logically to this kind of argument. Cf A. Weiser, *The Old Testament: Its Formation and Development* (New York, 1961), pp. 119–25, 127, 130 ff. For the impressive list of comparisons between the Book of the Covenant and the Code of Deuteronomy, see G. von Rad, *Deuteronomy*, p. 13.

<sup>41</sup> To be sure, the concern for worshiping and serving other gods appears in the ethical as well as the ritual decalogues (Ex 20: 3; 34: 14), but this concern, common in Deut (7: 4; 11: 16; 13: 6, 13, etc.), occurs very frequently in the Deuteronomistic history and in Jeremiah (Josh 23: 16; 24: 2, 16; Judg 2: 17; 10: 13; 1 Sam 8: 8; 1 Kings 9: 9; 11: 4; 2 Kings 5: 17; 17: 7, 35, 38; 22: 17; Jer 1: 6; 6: 12; 7: 18; 16: 13; 19: 4, 13; 22: 9; 44: 3, 5).

<sup>42</sup> Also appears without *lm'n* and *ky* at Deut 1: 11; 7: 13; 30: 16.

<sup>43</sup> Von Rad suggests that this idea may be derived from the Egyptian concept of the judgment of the dead, whose hearts are weighed in the balance by the god Thot; see *Old Testament Theology*, I, trans. D. M. G. Stalker (New York, 1962), pp. 437 f, esp., notes 41, 42.

<sup>44</sup> For wisdom features throughout the book of Deuteronomy, see the works by M. Weinfeld cited in note 4.

<sup>45</sup> Cf. O. Eissfeldt, *The Old Testament: An Introduction*, pp. 220–23; A. Weiser, *The Old Testament: Its Formation and Development*, pp. 130 f; G. von Rad, *Deuteronomy*, pp. 13 ff.

<sup>46</sup> It is of particular importance to note that in the parallel Yahwistic stories at Gen 12: 10–20 and Gen 26, there is no mention of Abraham or Isaac as prophets. Thus, the Elohist's particular interests stand out even more sharply by contrast. However, some E passages often cited to demonstrate Moses as supreme prophet (Ex 4: 16; 33: 11; Num 11: 24–30; 12: 1–8) either fail to use *nby'* for Moses or contrast him with *nby'ym*.

<sup>47</sup> Cf. A. Weiser, *The Old Testament: Its Formation and Development*, pp. 113 f; G. von Rad, *Old Testament Theology*, I p. 293.

<sup>48</sup> O. Eissfeldt, *The Old Testament: An Introduction*, p. 225; G. Fohrer, *Introduction to the Old Testament*, p. 171.

<sup>49</sup> In spite of the offices forbidden in the previous passage (vss 9–14), the present "law" which establishes the legitimate office for Israel (if, indeed, it is an office rather than a "Moses to come") is probably not integral to what precedes (contra von Rad, *Deuteronomy*, pp. 122 ff). Elsewhere in Deuteronomy, abomination laws never include an antithesis to what is considered abominable (cf 16: 21–17: 1; 22: 5; 23: 18; 25: 13–16).

<sup>50</sup> See von Rad, *Old Testament Theology*, I, pp. 292–95.

<sup>51</sup> Walther Eichrodt, *Theology of the Old Testament*, I, trans. J. A. Baker (Philadelphia, 1961), p. 290.

<sup>52</sup> The Deuteronomistic history, on the other hand, abounds in the use of *nby'*, especially in the books of Kings. It may be his interest which caused the inclusion of Deut 18: 15–22 (and 13: 1–5?).

<sup>53</sup> In particular, E. Nicholson, *Deuteronomy and Tradition*.

<sup>54</sup> See the works of George Mendenhall: *Law and Covenant in Israel and the Ancient Near East* (Pittsburgh, 1955); "Covenant," *IDB*, I, p. 714–23. Also cf. K. Baltzer, *The Covenant Formulary* (Philadelphia, 1970).

<sup>55</sup> For a detailed rejection of the formula from the Sinai tradition, see D. J. McCarthy, *Treaty and Covenant* (Rome, 1963).

<sup>56</sup> Ex 19: 3–8 has more characteristics of E than of J., although some scholars (e.g., Fohrer, *Introduction to the Old Testament*, p. 189) refuse to identify it with any source. Even if it is E, however, the precise relationship of the passage (which does seem to follow the covenant formula) to Sinai can be determined only by its present context.

<sup>57</sup> For a discussion on these suggestions, see A. Weiser, *The Old Testament: Its Formation and Development*, pp. 121 f. Note that if the original context is either Josh 24 or Deut 27, the place involved is Shechem.

<sup>58</sup> The work by W. Beyerlin, *Origins and History of the Oldest Sinaitic Traditions*, trans. S. Rudman (Oxford, 1965), does not really solve the problem.

<sup>59</sup> If Gese is correct that the positive wilderness tradition (*Fundtradition*) of Deuteronomy (as well as of Hosea and Jeremiah) is a reinterpretation of the Sinai tradition because of the formal—i.e., narrative—association of the exodus and Sinai traditions in the monarchical period, then of course Sinai/Horeb traditions are implicitly present in Proto-Deuteronomy. That such a reinterpretation is probably northern can be seen in the tradi-

tions concerning Elijah (1 Kings 18 and especially 19) and in the preaching of Hosea (H. Gese, "Bemerkungen zur Sinaitradition").

<sup>60</sup> See G. von Rad, *Der Heilige Krieg im alten Israel* (Göttingen, 1958); also in outline form in *Studies in Deuteronomy*, pp. 45–59.

<sup>61</sup> Now translated as *Yahweh War and Tribal Confederation*, trans. from 2d ed. by Max Gray Rogers (New York, 1970).

<sup>62</sup> For a concise interpretation of the theology of the cult in the book of Deuteronomy, see Jacob M. Myers, "The Requisites for Response: On the Theology of Deuteronomy," *Interp* 15 (1961), 14–31, esp. 19–24. The author provides also sections on Deuteronomy's theology of history and of faith and life, all of which "Converge at one point with several facets—one God, one holy people, one cult place, one prophet—that is, the Covenant community and its several components" (p. 31).

<sup>63</sup> For the clearest description of this name theology in Deuteronomy, see G. von Rad, *Studies in Deuteronomy*, pp. 37–44. Also see W. Eichrodt, *Theology of the Old Testament*, II, trans. J. A. Baker (Philadelphia, 1967), pp. 41 f.

<sup>64</sup> See W. F. Albright, *FSAC*<sup>2</sup>, pp. 229 f; also W. Eichrodt, *Theology of the Old Testament*, I, p. 117.

<sup>65</sup> Fritz Dumermuth, "Zur deuteronomischen Kulttheologie und ihre Voraussetzungen," *ZAW* 70 (1958), 59–98, esp. 70 ff; E. Nicholson, *Deuteronomy and Tradition*, pp. 72 f.

<sup>66</sup> This paragraph attempts in an oversimplified way to summarize the gist of Dumermuth (see previous note).

<sup>67</sup> In fact, along the traditional lines concerning Jerusalem, one can raise quite sound arguments for a southern theory on the basis of the intertwining of centralization and chosen place. Jerusalem was the only city in which actual reform movements were carried out in order to centralize worship at one place exclusively (under Hezekiah and Josiah in particular), and that actuality must speak strongly to the question at issue. The views on the precise motive for the centralization of worship at Jerusalem have ranged from economic factors (A. Bentzen, *Die jordanische Reform und ihre Voraussetzungen*, 1926) to theological ones (the deliverance of Jerusalem from the siege of Jerusalem; see V. Maag, "Erwägungen zur deuteronomistischen Kultzentralisation," *VT* 6 [1956], 10 ff.) Moreover, Jerusalem as the elected place has been argued on the basis of the election of David as king; see H. J. Kraus, *Worship in Israel*, trans. Geoffrey Buswell (Richmond, 1966), pp. 179–83. While Jerusalem is mentioned specifically in the Deuteronomistic history as the place where Yahweh caused his name to dwell, the lack of the name in Deuteronomy may be due simply to the fact that the work is supposed to be the speech of Moses in the plains of Moab. It would have been anachronistic to mention the city by name at this point.

<sup>68</sup> This question has nothing to do with the ultimate origin of the Ark and its first significance either as a throne (Num 10: 35 f; 1 Sam 4: 4, 5–9, etc.) or as a container ('*arān* = Akk *arānu* and common Semitic meaning "chest").

<sup>69</sup> It is important, in this question of the origin of the name theology, to note that the clearest and most comprehensive statement of the concept—and thus perhaps its source—occurs in the Deuteronomistic history at 1 Kings 8: 27–30. In fact, I wonder if the "new" understanding of the name in Deuteronomy would have occurred to anyone without this Deuteronomistic explanation.

<sup>70</sup> The reading of the Vulgate, "I will dwell with you" (Heb *wē'eskənāh 'ittəkem*), is to be preferred over the Masoretic "I will make you dwell" (*wa'šakkənāh 'etkem*).