

## Covenant, Law, and History in Deuteronomy

### 1. History and Covenant in Deut 1-3

#### a. The review of history in Deut 1-3 and Deuteronomistic principle

- Moses' summary of Israel's travels from Horeb to the Transjordan exemplifies the treatment of history as lesson throughout the Deuteronomistic History (DH): Deut 1-3 assumes historical events to be wholly guided by God, such that history can be interpreted to determine God's will. In this, the covenant is central: Israel's fate is approached in terms of reward for covenantal fidelity and punishment for disobedience to it.
- In the earlier books of the Pentateuch, values are conveyed through narrative, most often in ways that must be interpreted by the reader. Here it is made explicit on all counts; history's meaning is here pre-interpreted in clear and consistent terms.

#### b. Differences between Num 9-36 and Deut 1-3

- In Deut 1:6-11, tribal leaders chosen because leadership was too much of a burden on Moses; cf. Num 11 on democratization of prophecy as result of Moses' complaints about his burden). The judicial system is also established at this time and in the context of distributing Moses' tasks of leadership among others (Deut 1:16-18).
- In Deut 1:20-39, spies sent to the Land because of Israelites' communal request to Moses, not God's command via Moses (cf. Num 13-14). The rebellion in response to the report results in penalty of no members of the generation except Caleb and Joshua seeing the Land – and here Moses' fate to die without seeing it is blamed on the people's rebellion in this instance: "Even with me the LORD was angry on your account, saying, 'You also shall not enter there!'"
- In Deut 1:41-45, Israel's defeat by Amorites explained in terms of Israel wishing to fight, sad that they sinned against God by not trusting Him to deliver them into the Land. God, however, tells them not to go: "The LORD said to me, 'Say to them, 'Do not go up and do not fight, for I am not in the midst of you; otherwise you will be defeated by your enemies.'" Although I told you, you would not listen. You rebelled against the command of the LORD and presumptuously went up into the hill country. The Amorites who lived in that hill country then came out against you and chased you as bees do. They beat you down in Seir as far as Hormah. When you returned and wept before the LORD, the LORD would neither heed your voice nor pay you any attention." Military defeat is read as punishment for disobedience to the divine.
- In Deut 2:1-8, Israel does indeed journey through Edom, on God's command (cf. Num 20): "... charge the people as follows: You are about to pass through the territory of your kindred, the descendants of Esau, who live in Seir. They will be afraid of you, so, be very careful <sup>5</sup>not to engage in battle with them, for I will not give you even so much as a foot's length of their land, since I have given Mount Seir to Esau as a possession. <sup>6</sup>You shall purchase food from them for money, so that you may eat; and you shall also buy water from them for money, so that you may drink... So we passed by our kin, the descendants of Esau who live in Seir."
- In Numbers, Israel sometimes responds to attacks from others. In Deuteronomy, God always decides who they do and don't attack. Moab is not to be attacked "for I will not give you any of its land as a possession, since I have given Ar as a possession to the descendants of Lot." (2:9), Ammonites are also not to be attacked "for I will not give the land of the Ammonites to you as a possession, because I have given it to the descendants of Lot" (2:19). Likewise, Sihon's defeat is all due to God, as clear from the preface to the story: "See, I have handed over to you King Sihon the Amorite of Heshbon, and his land. Begin to take possession by engaging him in battle. This day I will begin to put the dread and fear of you upon the peoples everywhere under heaven; when they hear report of you, they will tremble and be in anguish because of you" (2:24-25). The rest of the story reads like the version in Numbers, with Moses offering peace terms and asking passage through the land and offering to pay for water and food (which here, Edom and Moab are said to have done; 2:29)." Sihon disagrees, but only "because the LORD your God had hardened his spirit and made his heart defiant in order to hand him over to you, as he has now done." Likewise, Og is said to be "handed over" to Israel by God even before the battle itself (3:1-7)
- These victories are read as God's sign of his continued support of Israel's military endeavors while entering the Promised Land: "And I charged Joshua as well at that time, saying: "Your own eyes have seen everything that the LORD your God has done to these two kings; so the LORD will do to all the kingdoms into which you are about to cross; do not fear them, for it is the LORD your God who fights for you" (3:21-22).
- The review of history ends with a sad scene in which Moses begs to see the Promised Land ("O Lord God, you have only begun to show your servant your greatness and your might; what god in heaven or on earth can perform deeds and mighty acts like yours! Let me cross over to see the good land beyond the Jordan,

that good hill country and the Lebanon"; 3:24-25). God's refusal is used as another opportunity to stress that it is the people's fault, not Moses! (3:26: "But the LORD was angry with me on your account and would not heed me.")

c. D and E according to the Documentary Hypothesis

- The Documentary Hypothesis holds that D (like P) knows JE in a combined form. Interestingly, D has notable affinities with the material attributed to E in particular.
- Moses' historical recap in Deut 1-3 includes nothing that is not also found in E and can be read as a compendium of E's account of this stage in Israel's history. D uses "Horeb" as the name for mountain on which laws were revealed to Israel, like E, and not "Sinai," as in J (and P).
- Also like E, D stresses the importance of the Sinaitic covenant: "Moses called all Israel and said to them, "Hear, Israel, the laws and rules I speak in your hearing today! Learn them and make sure you do them. YHWH our God made a covenant with us on Horeb. It was not with our fathers that YHWH made this covenant but with us, those of us living here today." (Deut 5:1-3)

## 2. Covenant and the style and structure of Deuteronomy

In contrast to the other books of the Pentateuch, Deuteronomy is a self-contained book (hence attributed totally to D by the Documentary Hypothesis). It also has notable stylistic differences from the rest of the Pentateuch, with sentences that are longer and more complex than in the materials attributed to J, E, and even P. In addition, by virtue of its structure as a series of Moses' speeches, Deuteronomy is written largely in the form of exhortatory address. This fits with its didactic aim, to teach Israel how properly to remain faithful to its covenant with God and to call Israel to covenantal fidelity.

a. Pentateuchal ideas about the covenant in ancient Near Eastern context

- To understand its concept and articulation of the Sinaitic covenant, it helps to compare ancient Near Eastern covenants. There are notable parallels between the concept of covenant (both Abrahamic and Sinaitic) throughout the Pentateuch and the political covenants made between empires, nations, and other political groups in ancient Near Eastern law. We have many examples from Israel's ancient Near East cultural context, most notably from the Hittite Empire (ca. 1400-1200 BCE). In this broader context, a covenant can be defined as an oath-bound relationship with defined expectations and obligations, typically sealed with a ritual and confirmed with additional rituals.
- There are two types of ancient Near Eastern covenants:
  1. Treaty covenants concern relationships between political entities, whether equal parties (parity covenant) or unequal parties (suzerain-vassal covenant); the descriptions of Abraham and Israel's covenant with God recalls the second.
  2. Charter covenants grant property to reward faithfulness or loyal service, as when rulers gave land to faithful military officers; the descriptions of God's granting of the Promised Land to Abraham's descendants recalls this type of covenant.

b. Deuteronomy as treaty covenant document

- In genre, Deuteronomy can be read as an anthology of exhortatory addresses about the covenant. At the same time, it seems to be playing with the genre of the treaty covenant document, particularly as expressed in legal documents from the Neo-Assyrian Empire (935-612 BCE; i.e., the same Assyrians who conquered the Northern Kingdom and continued to threaten the Southern Kingdom until the Babylonian conquest of the Assyrians). That treaty covenant documents were used by empires to administer conquered kingdoms makes the parallels all the more poignant.
- The following structural elements are characteristic of Hittite and Neo-Assyrian covenant treaty documents (see further [http://www.hope.edu/academic/religion/bandstra/RTOT/CH5/CH5\\_2.HTM](http://www.hope.edu/academic/religion/bandstra/RTOT/CH5/CH5_2.HTM)).
  1. Introduction, which identifies the parties in the treaty.
  2. Historical Background, which notes the history of the relationship between the parties.
  3. Conditions, which are the terms of the treaty, e.g., the suzerain here demands the vassal's loyalty.
  4. Publication, which tells where the document will be stored and when it will be recited.
  5. Divine Witnesses, which calls gods to witness the treaty and punish any breaches.
  6. Blessing and Curse, which tells of what would happen to the vassal if the treaty was kept or broken.
- We find much the same structure in Deuteronomy:
  1. Introduction (Deut 4:44-49): "This is the law that Moses set before the Israelites" (4:44).
  2. Historical Background (Deut 5-11): Retelling of Israel's experience at Horeb and in the Wilderness, whereby Moses warns Israel to be obedient.

3. Conditions (Deut 12-26): "These are the laws and rules that you must diligently keep" (12:1).
4. Publication (Deut 27:1-10): Description of covenant ceremony: "Write on the stones all the words of this law" (27:8); plus prescriptions for renewal of covenant every 7 years through public reading (31:10, 13)
5. Divine Witnesses (Deut 30:19): "I call as witnesses against you today heaven and earth" (30:19). In this case, a party to the covenant, namely, God, will enforce and guard it and reward fidelity.
6. Blessing and Cursing (Deut 28). "If you obey YHWH your God... all these blessings will come upon you" (28:1-2).

c. Deuteronomy's use and transformation/subversion of ancient Near Eastern models

- The political metaphor of treaty covenant is here used to express the relationship between God and Israel and to assert the requirements of obedience to the divine and its consequences in concrete terms readily comprehensible to an audience of the time.
- Yet, as with other Pentateuchal uses of other ancient Near Eastern forms and ideas, Deuteronomy both integrates and transforms/subverts these traditions: within an era dominated by mighty empires which threaten Israel's survival (as esp. poignant for Israelites after Assyria's invasion and dispersion of the Northern Kingdom), Deuteronomy stresses that Israel's covenant is not with any nation on earth, but with the God who created the entire cosmos!
- Even as Deuteronomy makes provisions for a human king of Israel (see 17:14-20), it is thus made clear that any king is subject to a higher power, just as kings of vassal states are subject to rulers of empires. Even if Israel's kings make treaties with empires out of necessity, the nation remains, above all, faithful to God, and its fate tied to its faithfulness to their covenant with Him.

d. The covenant treaty document and Deuteronomy's truth claims

- Deuteronomy, moreover, claims to be the document that contains the conditions of Israel's covenant with God. As such, it makes a more explicit truth claim than earlier books.
- It stresses its own authority in 4:2: "You must neither add anything to what I command you nor take away anything from it, but keep the commandments of the LORD your God with which I am charging you."
- In the context of its probable authorship in the era of Josiah, these claims prove particularly significant.

### 3. History and Law in Deut 2-11

- Deuteronomy's account of the terms of the covenant version begins with its version of the 10 commandments (see chart on next page), which follows Exodus quite closely, albeit with some changes (underlined on chart) and some additions (bolded on chart).
- This is followed by a second, more brief review of history from Sinai to Moses' present (5:22-33), reiterating God's fidelity to Israel as the basis for Israel's fidelity to God.
- The rest of the laws follow from the 10 commandments and stress love of God and neighbor as paramount.
- Fear and love of God: YHWH has chosen Israel; and, in fulfillment of the promises given to its forefathers, has delivered it from its bondage in Egypt, and assigned it a home in a bounteous and fertile land, to take possession of which it is now on the point of crossing the Jordan (vi. 10, 11; viii. 7-10). In return for all these benefits it is the Israelite's duty to fear and to love YHWH—to fear Him as the great and mighty God, whose judgments strike terror into all beholders (4:32-36, 11:2-7) and to love Him "with all your heart, and with all your soul" (6:5; 13:3; 30:6). This entails rejection of idolatry and centralization of worship, as well as sacrifices and festivals proscribed in the rest of the Pentateuch.
- Love of neighbor: Love of God extends to Israel's social and domestic life, shaping moral and civil ordinances as well as religious ones, as clear in Deut 12-26, which prescribe laws for the ethical and social well-being of the nation.

Exodus 20 (E, possibly with P revision; RSV)	Deuteronomy 5 (D; RSV)
2 "I am the LORD your God, who brought you out of the land of Egypt, out of the house of bondage.	6 "I am the LORD your God, who brought you out of the land of Egypt, out of the house of bondage.
3 "You shall have no other gods before me.	7 "You shall have no other gods before me.
4 "You shall not make for yourself a graven image, or any likeness of anything that is in heaven above, or that is in the earth beneath, or that is in the water under the earth;	8 "You shall not make for yourself a graven image, or any likeness of anything that is in heaven above, or that is on the earth beneath, or that is in the water under the earth;
5 you shall not bow down to them or serve them; for I the LORD your God am a jealous God, visiting the iniquity of the fathers upon the children to the third and the fourth generation of those who hate me,	9 you shall not bow down to them or serve them; for I the LORD your God am a jealous God, visiting the iniquity of the fathers upon the children to the third and fourth generation of those who hate me,
6 but showing steadfast love to thousands of those who love me and keep my commandments.	10 but showing steadfast love to thousands of those who love me and keep my commandments.
7 "You shall not take the name of the LORD your God in vain; for the LORD will not hold him guiltless who takes his name in vain.	11 "You shall not take the name of the LORD your God in vain: for the LORD will not hold him guiltless who takes his name in vain.
8 " <u>Remember</u> the sabbath day, to keep it holy.	12 " <u>Observe</u> the sabbath day, to keep it holy, <b>as the LORD your God commanded you.</b>
9 Six days you shall labor, and do all your work;	13 Six days you shall labor, and do all your work;
10 but the seventh day is a sabbath to the LORD your God; in it you shall not do any work, you, or your son, or your daughter, your manservant, or your maidservant, or your cattle, or the sojourner who is within your gates;	14 but the seventh day is a sabbath to the LORD your God; in it you shall not do any work, you, or your son, or your daughter, or your manservant, or your maidservant, <b>or your ox, or your ass, or any of your cattle, or the sojourner who is within your gates; that your manservant and your maidservant may rest as well as you.</b>
11 for in six days the LORD made heaven and earth, the sea, and all that is in them, and rested the seventh day; therefore the LORD blessed the sabbath day and hallowed it.	15 You shall remember that you were a servant in the land of Egypt, and the LORD your God brought you out thence with a mighty hand and an outstretched arm; therefore the LORD your God commanded you to keep the sabbath day.
12 "Honor your father and your mother, that your days may <u>be long</u> in the land which the LORD your God gives you.	16 "Honor your father and your mother, <b>as the LORD your God commanded you</b> ; that your days may <u>be prolonged</u> , <b>and that it may go well with you</b> , in the land which the LORD your God gives you.
13 "You shall not kill.	17 "You shall not kill.
14 "You shall not commit adultery.	18 " <b>Neither</b> shall you commit adultery.
15 "You shall not steal.	19 " <b>Neither</b> shall you steal.
16 "You shall not bear false witness against your neighbor.	20 " <b>Neither</b> shall you bear false witness against your neighbor.
17 "You shall not covet your neighbor's house; you shall <u>not covet your neighbor's wife</u> , or his manservant, or his maidservant, or his ox, or his ass, or anything that is your neighbor's."	21 " <u>Neither shall you covet your neighbor's wife; and you shall not desire your neighbor's house, his field</u> , or his manservant, or his maidservant, his ox, or his ass, or anything that is your neighbor's.'