

WORD BIBLICAL COMMENTARY

VOLUME 6B

Deuteronomy 21:10–34:12 DUANE L. CHRISTENSEN

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Word Biblical Commentary

Deuteronomy 21:10–34:12

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To
Casper J. Labuschagne,
colleague, friend, and modern סופר,
for his work on the numerical
composition of the Bible

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Editorial Preface

The launching of the *Word Biblical Commentary* brings to fulfillment an enterprise of several years' planning. The publishers and the members of the editorial board met in 1977 to explore the possibility of a new commentary on the books of the Bible that would incorporate several distinctive features. Prospective readers of these volumes are entitled to know what such features were intended to be; whether the aims of the commentary have been fully achieved time alone will tell.

First, we have tried to cast a wide net to include as contributors a number of scholars from around the world who not only share our aims, but are in the main engaged in the ministry of teaching in university, college, and seminary. They represent a rich diversity of denominational allegiance. The broad stance of our contributors can rightly be called evangelical, and this term is to be understood in its positive, historic sense of a commitment to Scripture as divine revelation, and to the truth and power of the Christian gospel.

Then, the commentaries in our series are all commissioned and written for the purpose of inclusion in the *Word Biblical Commentary*. Unlike several of our distinguished counterparts in the field of commentary writing, there are no translated works, originally written in a non-English language. Also, our commentators were asked to prepare their own rendering of the original biblical text and to use those languages as the basis of their own comments and exegesis. What may be claimed as distinctive with this series is that it is based on the biblical languages, yet it seeks to make the technical and scholarly approach to a theological understanding of Scripture understandable by—and useful to—the fledgling student, the working minister, and colleagues in the guild of professional scholars and teachers as well.

Finally, a word must be said about the format of the series. The layout, in clearly defined sections, has been consciously devised to assist readers at different levels. Those wishing to learn about the textual witnesses on which the translation is offered are invited to consult the section headed *Notes*. If the readers' concern is with the state of modern scholarship on any given portion of Scripture, they should turn to the sections on *Bibliography* and *Form/Structure/Setting*. For a clear exposition of the passage's meaning and its relevance to the ongoing biblical revelation, the *Comment* and concluding *Explanation* are designed expressly to meet that need. There is therefore something for everyone who may pick up and use these volumes.

If these aims come anywhere near realization, the intention of the editors will have been met, and the labor of our team of contributors rewarded.

General Editors: *David A. Hubbard*
Glenn W. Barker
Old Testament: *John D. W. Watts*
New Testament: *Ralph P. Martin*

Author's Preface

I am grateful to the publisher and editors of the Word Biblical Commentary for the decision to use this occasion to revise Volume 6A (Deut 1–11) and to publish the commentary in two volumes of equal length: Volume 6A (Deut 1:1–21:9) and Volume 6B (Deut 21:10–34:12). A special note of appreciation is expressed to Dr. John D. W. Watts, whose gentle but firm insistence and encouragement got me through difficult days in the process of completing this commentary, and to Dr. James W. Watts for his editorial assistance in the final stages of getting this manuscript ready for the copyediting process. His suggestions did much to improve the format and content of this book at numerous points.

The outline for the entire commentary appears at the end of the Introduction in order to give the reader a clearer idea of the structure of the whole, which is arranged according to the eleven traditional lectionary readings (“weekly portions”) of Jewish worship practice through the centuries.

In the preface to the first edition of Volume 6A in the Word Biblical Commentary (1991), I mentioned that my research for writing this commentary on the book of Deuteronomy forced me to rethink a number of presuppositions in my approach to understanding the Bible in the world of academia. The necessary process of growth and change led me down unfamiliar and lonely paths, as I made the choice to go with what I observed in the biblical text whether or not it fit comfortably within the established boundaries of what my teachers had taught me in my graduate studies, or what my colleagues in the study of this pivotal book were saying. As a result, I found myself doing something a bit different with Deuteronomy.

Though I already knew that the accentual system of notation in the Hebrew text of Deuteronomy reflected some kind of musical performance of the text in antiquity and that the entire system of notation in the Masoretic tradition is remarkably well preserved, it was not until I got deeply into chaps. 21–25 that the details of that system became increasingly clear. It was the shorter passages in that section of the laws of Deuteronomy, the frequent use of the *sētūmā*’ and *pētūhā*’ layout markers, and the systematic use of the so-called *Numeruswechsel* (change back and forth between second person singular and plural pronouns) that finally enabled me to see what was going on from a prosodic-textual point of view. This in turn led to the discovery that the traditional lectionary cycle of “weekly portions” of readings from the book of Deuteronomy, as conveyed in the marginal notes of the text in various Jewish editions of the Hebrew Bible, in fact represents primary structural features for understanding the architectural design of the whole, something I did not know when the previous volume was published. In this commentary, I have followed closely the system of notation in the marginal notes of *The Leningrad Codex: A Facsimile Edition* (Grand Rapids, MI: Eerdmans, 1998). I am grateful to Professor Casper Labuschagne for the gift some years ago of a bound photocopy of the earlier facsimile edition of the book of Deuteronomy taken from this important manuscript, which he had obtained from the late Professor Claus Schedl.

When I worked through Calum Carmichael’s book, *Law and Narrative in the Bible* (Ithaca, NY: Cornell UP, 1985), I found the key to unlock another door to new discoveries. Carmichael’s work has played a significant role in shaping this commentary, though in a manner different from what he intended. His demonstration of the relationship between the laws of Deuteronomy and the narrative elsewhere in the Pentateuch and Former Prophets is accepted, but the direction of that influence appears

to be the reverse of what Carmichael has found. Following the suggestions of his teacher David Daube, Carmichael argues that the laws of Deuteronomy have the character of “legal abstracts” derived from earlier narrative tradition that is preserved in the Torah and the Former Prophets. I take the direction of influence (from law to narratives) in precisely the opposite direction. The laws are primary, and are used to shape the narratives in question, as is most clearly seen in the law on distrained property in Deut 24:10–13. In short, the book of Deuteronomy illustrates in principle the subsequent midrashic approach to Scripture. The primary sacred text on which the book is based is the Ten Commandments, which are expanded in midrashic fashion to form the laws of Deut 12–25. These laws in turn are expanded in a similar manner in narrative form throughout what D. N. Freedman has called “The Primary History” (Genesis through 2 Kings in the Masoretic tradition of the Hebrew Bible—that is, the Torah plus the Former Prophets within the Hebrew canon).

Four recent commentaries on Deuteronomy merit special attention here. The first volume of Moshe Weinfeld’s commentary, *Deuteronomy 1–11*, AB 5 (Garden City, NY: Doubleday; 1991), appeared at the same time as my earlier volume of the same title in the Word Biblical Commentary. Weinfeld’s commentary was particularly useful in updating the “List of Qumran Evidence Relating to Deuteronomy” below. Georg Braulik’s commentary in *Die Neue Echter Bibel* (Würzburg: Echter) is now complete: *Deuteronomium 1–16, 17* (1986) and *Deuteronomium 16, 18–34, 12* (1992). Though this work is intended primarily to expound the value of Deuteronomy for the church today, it remains an eminently useful reference tool for the scholar as well, particularly in the conciseness and clarity of thought in the organization of material throughout. Jeffrey Tigay’s book, *Deuteronomy*, JPS Torah Commentary (Philadelphia: Jewish Publication Society, 1996), has proved invaluable as a point of reference in my own work. The fourth commentary of note is the monumental effort of Casper J. Labuschagne, *De Prediking van het Oude Testament: Deuteronomium* (Nijkerk: Uitgeverij G. F. Callenbach, 1990–97), which is now complete in four volumes. My limited understanding of the Dutch language has made it difficult to incorporate here the substance of this work, which sheds much light on the more recent stages of the canonical process in ancient Israel, in which the book of Deuteronomy played a central role. An English abridgment of Labuschagne’s work would be most useful to students of Deuteronomy. As I worked my way through Deuteronomy, I became increasingly familiar with Labuschagne’s method (*Logotechnische analyse*) and its value. For more information on this, see *Excursus: “Deuteronomy as a Numerical Composition.”* I have attempted to incorporate Labuschagne’s findings throughout the commentary at the end of the sections on *Form/Structure/Setting*.

Another work of importance in the writing of this commentary is the new translation of the Pentateuch by Everett Fox, *The Five Books of Moses*, Schocken Bible 1 (New York: Schocken, 1997). Fox’s approach to the text of the Hebrew Bible has much in common with my own. As he put it, “I have sought here primarily to echo the style of the original, believing that the Bible is best approached, at least at the beginning, on its own terms. So I have presented the text in English dress but with a Hebraic voice” (p. ix). That is my own goal as well.

My book, *Bible 101: God’s Story in Human History* (North Richland Hills, TX: BIBAL Press, 1996), needed to be written before I was able to complete this commentary. This book approaches the study of the Bible from the perspective of the canonical process in ancient Israel and early Christianity and of the principle of intertextuality. It explores the formation of the entire canon of sacred Scripture as a very human process that was ultimately overseen by the Spirit of God. Patterns of symmetry

are unfolded and substantiated in an introduction to the Bible that attempts to engage the reader at the experiential level and illuminate the mystery of God's revelation. My most recent book, *The Completed Tanakh: The Canonical Process in Ancient Israel and Early Christianity* (Columbus, GA: Christian Life Publications, 2000), carries this discussion much further. In addition to these two textbooks, I have written a series of study guides for the BIBAL Study Program: *Bible 101: The Torah*; *Bible 102: The Former Prophets*; *Bible 103: The Latter Prophets*; *Bible 104: The Hebrew Writings*; *Bible 105: Apostolic Writings I—The Four Gospels and the Book of Acts*; and *Bible 106: Apostolic Writings II—New Testament Epistles and the Revelation to John* (North Richland Hills, TX: BIBAL Press, 1996–2000). The process of writing these books sharpened my awareness of the concentric structural design of the Bible at all levels, enabling me to develop a systematic methodological approach to the analysis of the biblical text, which is evident in the *Form/Structure/Setting* sections throughout the whole of this commentary. The process led to an understanding of the macrostructure of the book of Deuteronomy that moves well beyond where I was at the time when the first edition of Volume 6A of this commentary was published (1991).

The fundamental building block in the canonical process is a simple chiasm with a structural center, in the pattern a-b-x-b'-a'. In the book of Deuteronomy, this structure is often expanded by adding an additional frame to form what C. J. Labuschagne has appropriately called a "menorah pattern" (a seven-part concentric structure: a-b-c-x-c'-b'-a').

In the first edition of Volume 6A, three different fonts were used in the English translation of Deuteronomy in an attempt to convey certain information that is easily observed in the Hebrew text but not easy to convey in English. That system is simplified here to the use of two different fonts in order to convey at a glance the phenomenon called the *Numeruswechsel*—the frequent change in the use of the second-person singular and plural forms in verbs and pronominal suffixes. Since modern English makes no distinction between the singular and plural in the second person, there is no simple way to mark the changes in translation. Moreover, since the changes have no obvious effect on the meaning of the text, the matter is usually ignored by commentators as well.

A regular font is used wherever the text has second-person plural forms, until a change to second-person singular forms is encountered. At that point, the font is changed to italic and continues in that font until a form using the second-person plural form is encountered. It will be observed that most of these changes (i.e., the *Numeruswechsel*) appear at boundaries of prosodic units within the book of Deuteronomy, and occasionally in the center of such units. In short, the *Numeruswechsel* is an auditory signal of internal structure—used to convey information about the structure of the book to those who heard the book recited in antiquity. They would have picked up these changes as readily as we note incorrect grammatical usage today.

I would also take this opportunity to call the reader's attention to some of the volumes in the Stuttgarter biblische Aufsatzbände Altes Testament (SBAB) that make the published works of Georg Braulik and Norbert Lohfink more accessible (see vols. 4, 8, 12, 16, and 20 by Lohfink and vols. 2 and 24 by Braulik).

DUANE L. CHRISTENSEN
Rodeo, California
October 2001

Abbreviations

PERIODICALS, SERIALS, AND REFERENCE WORKS

- AAAS Annales archéologiques arabes de Syrie*
AASOR Annual of the American Schools of Oriental Research
AB Anchor Bible
ABD D. N. Freedman (ed.), *Anchor Bible Dictionary*, 6 vols. (New York: Doubleday, 1992)
AbLA M. Noth, *Aufsätze zur biblischen Landes- und Altertumskunde*, ed. H. W. Wolff (Neukirchen-Vluyn: Neukirchener Verlag, 1991)
ABR *Australian Biblical Review*
AcOr *Acta orientalia*, Leiden
ActOr *Acta Orientalia*, Copenhagen
AfO *Archiv für Orientforschung*
AfOBei Beihefte zur Archiv für Orientforschung
ÄgAT Ägypten und Altes Testament
AHDO *Archiv d'histoire du droit oriental*
AION *Annali dell'Istituto Orientale di Napoli*
AJBI Annual of the Japanese Biblical Institute
AJP *American Journal of Philology*
AJSL *American Journal of Semitic Languages and Literature*
AJSR *Association for Jewish Studies Review*
AJT *American Journal of Theology*
ALGHJ *Arbeiten zur Literatur und Geschichte des hellenistischen Judentums*
ALUOS Annual of Leeds University Oriental Society
AnBib *Analecta biblica*
ANEP J. B. Pritchard (ed.), *The Ancient Near East in Pictures*, 2nd ed. (Princeton: Princeton UP, 1969)
ANET J. B. Pritchard (ed.), *Ancient Near Eastern Texts Relating to the Old Testament*, 3rd ed. (Princeton: Princeton UP, 1969)
AngTR *Anglican Theological Review*
AnOr *Analecta orientalia*
ANQ *Andover Newton Quarterly*
AnSt *Anatolian Studies*
AOAT *Alter Orient und Altes Testament*
AOT H. Gressman (ed.), *Altorientalische Texte und Bilder*
ArOr *Archiv orientální*
ARw *Archiv für Religionswissenschaft*
AS *Assyriological Studies*
AsSeign *Assemblées du Seigneur*
ASOR *American Schools of Oriental Research*
ASTI *Annual of the Swedish Theological Institute*
AsTJ *Asbury Theological Journal*
ATAbh *Alttestamentliche Abhandlungen*
ATANT *Abhandlung zur Theologie des Alten und Neuen Testaments*
ATD *Das Alte Testament Deutsch*
ATDan *Acta theologica Danica*
ATSAT *Arbeiten zu Text und Sprache im Alten Testament*
Aug *Augustinianum* (Rome)

AUSS *Andrews University Seminary Studies*
AVTRW Aufsätze und Vorträge zur Theologie und Religionswissenschaft
AzT Arbeiten zur Theologie

BA *Biblical Archaeologist*

BARev *Biblical Archaeology Review*

BASOR Bulletin of the American Schools of Oriental Research

BAT Die Botschaft des Alten Testaments

BB *Biblische Beiträge* (Fribourg)

BBB *Bonner biblische Beiträge*

BBC *Broadman Bible Commentary*

BCPE *Bulletin du Centre protestant d'études*

BDB F. Brown, S. R. Driver, and C. A. Briggs, *Hebrew and English Lexicon of the OT* (Oxford: Clarendon, 1907)

BDBAT Beiheft Dielheimer Blätter zum Alten Testament

BeO *Bibbia e oriente*

BETL *Bibliotheca ephemeridum theologiarum lovaniensium*

BEvT *Beiträge zur evangelischen Theologie*

BFCT *Beiträge zur Förderung christlicher Theologie*

BGBE *Beiträge zur Geschichte der biblischen Exegese*

BHH B. Reicke and L. Rost (eds.), *Biblisch-historisches Hand-wörterbuch*, 3 vols. (Göttingen: Vandenhoeck & Ruprecht, 1962–66)

BHK R. Kittel, *Biblia hebraica*

BHS *Biblia hebraica stuttgartensia*

BHT *Beiträge zur historischen Theologie*

Bib *Biblica*

BibBh *Bible Bhashyam*

BibIll *Biblical Illustrator*

BibOr *Biblica et orientalia*

BIES *Bulletin of the Israel Exploration Society* (= *Yediot*)

BJRL *Bulletin of the John Rylands University Library of Manchester*

BJS *Brown Judaic Studies*

BK *Bibel und Kirche*

BLit *Bibel und Liturgie*

BMS *BIBAL Monograph Series*

BMik *Beth Mikra*

BN *Biblische Notizen*

BO *Bibliotheca Orientalis* (Leiden)

BOr *Beiträge zur Orientalistik*

BOT *De Boeken van het Oude Testament*

BR *Biblical Research*

BRev *Bible Review*

BSac *Bibliotheca Sacra*

BTB *Biblical Theology Bulletin*

BWA(N)T *Beiträge zur Wissenschaft vom Alten (und Neuen) Testament*

BZ *Biblische Zeitschrift*

BZAW *Beihefte zur ZAW*

CAD *The Assyrian Dictionary of the Oriental Institute of the University of Chicago*

CahRB *Cahiers de la Revue biblique*

CBC *Cambridge Biblical Commentary*

CBib The Cambridge Bible
 CBQ *Catholic Biblical Quarterly*
 ChrJRel *Christian and Jewish Relations*
 ChW *Christliche Welt*
 CJ *Concordia Journal*
 CMHE F. M. Cross, Jr., *Canaanite Myth and Hebrew Epic* (Cambridge: Harvard UP, 1973)
 ColT *Collectanea Theologica*
 ConB *Coniectanea biblica*
 ConBas *Concilium Baseliense*
 Conc *Concilium*
 ConsJud *Conservative Judaism*
 CP *Classical Philology*
 CSCO *Corpus scriptorum christianorum orientalium*
 CT *Christianity Today*
 CTA A. Herdner, *Corpus des tablettes en cunéiformes alphabétiques*, 2 vols. (Paris: Imprimerie Nationale, 1963)
 CThM *Calwer theologische Monographien*
 CTM *Concordia Theological Monthly*
 CTQ *Concordia Theological Quarterly*
 CV *Communio viatorum*

DA *Dissertation Abstracts*
 DD *Dor le Dor*
 DDS M. Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Clarendon, 1972)
 Dils *Dine Israel*
 DJD *Discoveries in the Judaean Desert*

EAEHL M. Avi-Yonah and E. Stern (eds.), *Encyclopedia of Archaeological Excavations in the Holy Land*, 4 vols. (Englewood Cliffs, NJ: Prentice-Hall, 1975–78)

EchB *Echter Bibel*
 Ecout Bib *Écouter la Bible*
 EglT *Eglise et Théologie*
 EHS *Europäische Hochschulschriften*
 EI *Ereş Israel*
 EM *ʿEntsiklopedyah Miqraʿit* (Jerusalem: Mosad Bialik, 1950–88)
 EncBrit *Encyclopaedia Britannica*
 EncBib T. Cheyne and J. Sutherland Black (eds.), *Encyclopaedia Biblica*, 4 vols. (New York Macmillan, 1899–1903)
 EncBT J. B. Bauer (ed.), *Encyclopedia of Biblical Theology* (1970)
 EncJud *Encyclopaedia Judaica*, 16 vols. (Jerusalem; New York: Keter, 1971–72)
 EphC *Ephemerides Carmeliticae*
 ErFor *Erträge der Forschung*
 EstBib *Estudios bíblicos*
 EstEcl *Estudios Eclesiásticos*
 ETL *Ephemerides theologicae lovanienses*
 ETR *Etudes théologiques et religieuses*
 ETS *Erfurter theologische Studien*
 EvQ *Evangelical Quarterly*

EvT Evangelische Theologie
ExpTim Expository Times

FAT Forschungen zum Alten Testament

FB Forschung zur Bibel (Echter)

FBM E. Fox, *The Five Books of Moses*, Schocken Bible (New York: Schocken, 1997)

FolOr Folia Orientalia

FRLANT Forschungen zur Religion und Literatur des Alten und Neuen Testaments

FZPhTh Freiburger Zeitschrift für Philosophie und Theologie

GeistLeb Geist und Leben (Würzburg)

GKC *Gesenius' Hebrew Grammar*, ed. E. Kautzsch, tr. A. E. Cowley (Oxford: Clarendon, 1910)

GLECS *Comptes rendus du groupe linguistique d'études chamito-sémitiques*

GOST *Glasgow Oriental Society Transactions*

GSAT *Gesammelte Studien zum Alten Testament* (G. von Rad, TBü 8 [1965] and 48 [1973]; M. Noth, TBü 6 [1966] and 39 [1969] [Munich: Kaiser])

GTA Göttinger theologische Arbeiten

HAL W. Baumgartner, *Hebräisches und aramäisches Lexicon zum Alten Testament*, rev. 3rd ed. of KB (Leiden: Brill, 1967)

HAR *Hebrew Annual Review*

HAT Handbuch zum Alten Testament

HBS Herders biblische studien

HBT *Horizons in Biblical Theology*

HDR Harvard Dissertations in Religion

Hen Henoch

Herm Hermathena

HKAT Handkommentar zum Alten Testament

HOTTP D. Barthélemy et al. (eds.), *Preliminary and Interim Report on the Hebrew Old Testament Text Project: 1. Pentateuch*, 2nd rev. ed. (New York: United Bible Societies, 1979)

HR History of Religions

HSM Harvard Semitic Monographs

HS Hebrew Studies

HSS Harvard Semitic Studies

HTR *Harvard Theological Review*

HTS Harvard Theological Studies

HUCA *Hebrew Union College Annual*

IB Interpreter's Bible

IBHS B. K. Waltke and M. O'Connor, *An Introduction to Biblical Hebrew Syntax* (Winona Lake, IN: Eisenbrauns, 1990)

IBS Irish Biblical Studies

ICC International Critical Commentary

IDB G. A. Buttrick (ed.), *Interpreter's Dictionary of the Bible*, 4 vols. (Nashville: Abingdon, 1962)

IDBSup K. Crim (ed.), Supplementary Volume to *IDB* (Nashville: Abingdon, 1976)

IEJ Israel Exploration Journal

IKZ Internationale kirchliche Zeitschrift

ILR Israel Law Review

Int Interpretation

IntDialZ Internationale dialog Zeitschrift
IOS Israel Oriental Studies, Tel Aviv University
IOSOT International Organization for the Study of the Old Testament
ISBE G. W. Bromiley (ed.), *International Standard Bible Encyclopedia*, 4 vols. (Grand Rapids: Eerdmans, 1979–88)

JAAR Journal of the American Academy of Religion
JANESCU The Journal of the Ancient Near Eastern Society of Columbia University
JAOS Journal of the American Oriental Society
JAOSup Supplement to *JAOS*
JBC R. E. Brown et al. (eds.), *The Jerome Biblical Commentary*
JBL Journal of Biblical Literature
JBLMS Journal of Biblical Literature Monograph Series
JBR Journal of Bible and Religion
JBTh Jahrbuch für biblische Theologie (Neukirchener Verlag)
JEA Journal of Egyptian Archaeology
JEOL Jaarbericht van het Vooraziatisch-Egyptisch Genootschap Ex Oriente Lux
JES Journal of Ecumenical Studies
JESHO Journal of the Economic and Social History of the Orient
JETS Journal of the Evangelical Theological Society
JewEnc I. Singer (ed.), *Jewish Encyclopaedia*, 12 vols. (New York: Funk and Wagnalls, 1916)

JHS Journal of Hellenic Studies
JJS Journal of Jewish Studies
JLA Jewish Annual Law
JLASup Jewish Law Annual Supplement
JLH Jahrbuch für Liturgik und Hymnologie
JNES Journal of Near Eastern Studies
JNSL Journal of Northwest Semitic Languages
JPS Jewish Publication Society
JQR Jewish Quarterly Review
JRAS Journal of the Royal Asiatic Society
JSJ Journal for the Study of Judaism in the Persian, Hellenistic, and Roman Period
JSOT Journal for the Study of the Old Testament
JSOTSup JSOT Supplement Series
JSS Journal of Semitic Studies
JTS Journal of Theological Studies
JTSA Journal of Theology for Southern Africa
Jud Judaica: Beiträge zum Verständnis ...

KAT Kommentar zum Alten Testament
KatBl Katechetische Blätter
KB L. Koehler and W. Baumgartner, *Lexicon in Veteris Testamenti libros*, 2nd ed. (Leiden: Brill, 1958)

KD Kerygma und Dogma
KeH Kurzgefasstes exegetisches Handbuch zum Alten Testament
KHC Kurzer Hand-Commentar zum Alten Testament
KISchr Kleine Schriften (A. Alt, 3 vols. [Munich: Beck, 1953–59]; O. Eissfeldt, 6 vols. [Tübingen: Mohr, 1962–79])

KT Kaiser Traktate
Kul Kirche und Israel

LAD Logotechnische analyse bij Deuteronomiu (4 parts): published as inserts to C. J. Labuschagne, *Deuteronomium* (1987–97)

Lat Lateranum

LB Linguistica Biblica

LBC The Layman's Bible Commentary

LD Lectio divina

Leš Lešonénu

LNB C. Carmichael, *Law and Narrative in the Bible* (Ithaca: Cornell UP, 1985)

LQ Lutheran Quarterly

LS Legendiger Seelsorge

LSSt Leipziger semitistische Studien

LTJ Lutheran Theological Journal

LV Lumière et Vie

MANE Monographs on the Ancient Near East (Leiden: Brill)

MBPR Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte

MDB Le monde de la Bible

MGWJ Monatsschrift für Geschichte und Wissenschaft des Judentums

MHUC Monographs of the Hebrew Union College

MThS Münchener theologische Studien

MThSt Marburger theologische Studien

MTZ Münchener theologische Zeitschrift

Mus Le Muséon

MVAG Mitteilungen der vorderasiatisch-ägyptischen Gesellschaft

NAWG Nachrichten der Akademie der Wissenschaften in Göttingen

NCBC New Century Bible Commentary

NEchB Neue Echter Bibel

NedTTs Nederlands theologisch tijdschrift

NGTT Nederduitse gereformeerde theologiese tydskrif

NICOT New International Commentary on the Old Testament

NKZ Neue kirchliche Zeitschrift

NorTT Norsk Teologisk Tidsskrift

NovT Novum Testamentum

NovTSup Novum Testamentum, Supplements

NRT La nouvelle revue théologique

NThS Nieuwe theologische Studien

NTOA Novum Testamentum et Orbis Antiquus

NTS New Testament Studies

OBO Orbis biblicus et orientalis

OBT Overtures to Biblical Theology

OCD Oxford Classical Dictionary

OLP Orientalia lovaniensia periodica

OLZ Orientalische Literaturzeitung

Or Orientalia (Rome)

OrAnt Oriens antiquus

OTL Old Testament Library

OTS Oudtestamentische Studiën

OTWSA Die Ou Testamentiese Werkgemeenskap in Suid-Afrika (Pretoria)

PAAJR Proceedings of the American Academy of Jewish Research

PalCl *Palestra del Clero*
ParVi *Parole di Vita*
PEQ *Palestine Exploration Quarterly*
PG J.-P. Migne, *Patrologia graeca*
PIBA *Proceedings of the Irish Biblical Association*
PJ *Palästina-Jahrbuch*
PL J.-P. Migne, *Patrologia latina*
POS Pretoria Oriental Series
POT De Prediking van het Oude Testament
POTT D. J. Wiseman (ed.), *People of Old Testament Times* (Oxford: Clarendon, 1973)
PRS *Perspectives in Religious Studies*
PRU *Le Palais royal d'Ugarit*
PSB *Princeton Seminary Bulletin*
PSBA *Proceedings of the Society of Biblical Archaeology*
PW Pauly-Wissowa, *Real-Encyclopädie der classischen Altertumswissenschaft* (Stuttgart: Metzler, 1893–1972)

QD *Quaestiones disputatae*

RA *Revue d'assyriologie et d'archéologie orientale*
RAI *Rencontre Assyriologique Internationale*
RB *Revue biblique*
RBibIt *Rivista Biblica Italiana* (Brescia)
RechBib *Recherches bibliques*
ResQ *Restoration Quarterly*
RevExp *Review and Expositor*
RevistB *Revista bíblica*
RevQ *Revue de Qumran*
RGG K. Galling (ed.), *Religion in Geschichte und Gegenwart*, 3rd ed., 7 vols. (Tübingen: Mohr, 1957–65)
RHPR *Revue d'histoire et de philosophie religieuses*
RHR *Revue de l'histoire des religions*
RIDA *Revue Internationale des droites de l'antiquité*
RivB *Rivista biblica*
RMP *Rheinisches Museum für Philologie*
RRel *Review for Religious*
RSEHA *Revue sémitique d'épigraphie et d'histoire ancienne*
RSJB *Recueils de la société Jean Bodin pour l'histoire comparative des institutions*
RSO *Revista degli studi orientali*
RSP L. R. Fisher and S. Rummel (eds.), *Ras Shamra Parallels*, AnOr 49–51 (Rome: Pontifical Biblical Institute, 1972–81)
RSPT *Revue des sciences philosophiques et théologiques*
RSR *Recherches de science religieuse*
RTQR *Revue de théologie et de questions religieuses*
Salm *Salmaticensis* (Salamanca)
SANT *Studien zum Alten und Neuen Testament*
SBAB *Stuttgarter biblische Aufsatzbände Altes Testament*
SBEsp *Semana bíblica española*
SBFLA *Studii biblici franciscani liber annuus*
SBL *Society of Biblical Literature*

SBLASP SBL Abstracts and Seminar Papers
SBLDS SBL Dissertation Series
SBLMS SBL Monograph Series
SBLSCS SBL Septuagint and Cognate Studies
SBLSP Society of Biblical Literature Seminar Papers
SBM Stuttgarter biblische Monographien
SBS Stuttgarter Bibelstudien
SBT Studies in Biblical Theology
SBTS 3 D. Christensen (ed.), *A Song of Power and the Power of Song*, Sources for
Biblical and Theological Study 3 (Winona Lake, IN:
Eisenbrauns, 1993)

ScEccl Sciences ecclésiastiques

ScEs Science et esprit

Schol Scholastik (Freiburg)

ScrHier Scripta hierosolymitana

SDHI Studi et documenta historiae et Iuris

SEÅ Svensk exegetisk årsbok

SEAJT South East Asia Journal of Theology

Sem Semitica

SFSHJ South Florida Studies in the History of Judaism

SGKA Studien zur Geschichte und Kultur des Altertums

SGKAO Schriften zur Geschichte und Kultur des Alten Orients

SHR Studies in the History of Religions

SJLA Studies in Judaism in Late Antiquity

SJOT Scandinavian Journal of the Old Testament

SJT Scottish Journal of Theology

SKGG Schriften der Königsberger Gelehrten Gesellschaft

SLR Stanford Law Review

SR Studies in Religion/Sciences religieuses

ST Studia theologica

StMor Studia moralia

StudBib Studia Biblica

StudBT Studia biblica et theologica

StZ Stimme der Zeit

SUNT Studien zur Umwelt des Neuen Testaments

SWBA Social World of Biblical Antiquity

SWDS Scrolls from the Wilderness of the Dead Sea (British Museum, 1965)

TBC Torch Bible Commentaries

TBl Theologische Blätter

TBT The Bible Today

TBü Theologische Bücherei

TD Theology Digest

TDNT G. Kittel and G. Friedrich (eds.), *Theological Dictionary of the New Testament*,
tr. G. Bromiley, 9 vols. plus index vol. (Grand Rapids: Eerdmans,
1964–76)

TDOT G. J. Botterweck, H. Ringgren, and H.-J. Fabry (eds.), *Theological Dictionary of
the Old Testament*, tr. D. Green et al. (Grand Rapids: Eerdmans,
1974–)

TEH Theologische Existenz heute

TGUOS Transactions of the Glasgow University Oriental Society

ThA Theologische Arbeiten
 ThStud Theologische Studiën
 ThVers *Theologische Versuche*
 ThViat *Theologia Viatorum* (Munich)
 TLOT E. Jenni and C. Westermann (eds.), *Theological Lexicon of the Old Testament*, tr. M. Biddle, 3 vols. (Peabody, MA: Hendrickson, 1997)
 TLZ *Theologische Literaturzeitung*
 TOTC Tyndale Old Testament Commentaries
 TP *Theologie und Philosophie*
 TQ *Theologische Quartalschrift* (Tübingen)
 TRE *Theologische Realenzyklopädie*
 TRev *Theologische Revue*
 TRu *Theologische Rundschau*
 TS *Theological Studies*
 TSJTSA Texts and Studies of the Jewish Theological Seminary of America
 TSK *Theologische Studien und Kritiken*
 TsTNijm *Tijdschrift voor Theologie* (Nijmegen)
 TT *Theologisch Tidsskrift*
 TThSt Trierer theologische Studien
 TToday *Theology Today*
 TTZ *Trierer theologische Zeitschrift*
 TWAT G. J. Botterweck, H. Ringgren, and H.-J. Fabry (eds.), *Theologisches Wörterbuch zum Alten Testament* (Stuttgart: Kohlhammer, 1970–)
 TynBul *Tyndale Bulletin*
 TZ *Theologische Zeitschrift* (Basel)

UCPNES University of California Publications in Near Eastern Studies
 UF *Ugarit-Forschungen*
 UTC. H. Gordon, *Ugaritic Textbook*, AnOr 38 (Rome: Pontifical Biblical Institute, 1965)

VC *Vigiliae christianae*
 VD *Verbum domini*
 VetChr *Vetera Christianorum*
 VT *Vetus Testamentum*
 VTSup *Vetus Testamentum*, Supplements

WBC Word Biblical Commentary
 WBT Wiener Beiträge zur Theologie
 WD *Wort und Dienst*
 WF Wege der Forschung
 WHJP *World History of the Jewish People*, First Series: Ancient Times (in 4 divisions)
 WHJP1 E. A. Speiser, ed., *At the Dawn of Civilization: A Background of Biblical History*
 WHJP 2 B. Mazar, ed., *Patariarchs*
 WHJP 3 B. Mazar, ed., *Judges*
 WHJP 4 A. Malamaat and I. Eph'al (eds.), *The Age of the Monarchies*, 2 vols.
 WMANT Wissenschaftliche Monographien zum Alten und Neuen Testament
 WO *Die Welt des Orients*
 Wor *Worship*

WoWa Wort und Wahrheit
WTJ Westminster Theological Journal
WUNT Wissenschaftliche Untersuchungen zum Neuen Testament

YJS Yale Judaica Series

ZA Zeitschrift für Assyriologie
ZABR Zeitschrift für Altorientalische und Biblische Rechtsgeschichte
ZAW Zeitschrift für die alttestamentliche Wissenschaft
ZDMG Zeitschrift der deutschen morgenländischen Gesellschaft
ZDPV Zeitschrift des deutschen Palästina-Vereins
ZEE Zeitschrift für evangelische Ethik
ZKT Zeitschrift für katholische Theologie
ZTK Zeitschrift für Theologie und Kirche
ZVS Zeitschrift für Völkerpsychologie und Sprachwissenschaft
ZWT Zeitschrift für wissenschaftliche Theologie
ZZ Zeichen der Zeit

TEXTS, VERSIONS, AND ANCIENT WORKS

Akk. Akkadian
Arab. Arabic
Aram. Aramaic
B MT MS, edited by Jacob ben Chayim, Venice (1524/25)
Copt. Coptic
DSS Dead Sea Scrolls
Eng. English
Eth. Ethiopic
Fr. French
Ger. German
Gr. Greek
Heb. Hebrew
K Kethib
L MT MS, Leningrad Codex
LXX Septuagint
 LXX^A LXX MS, Alexandrian Codex
 LXX^B LXX MS, Vatican Codex
 LXX^{S*} LXX MS, Sinai Codex, original reading
 LXX^{Sc} LXX MS, Sinai Codex, corrector
MT Masoretic Text
Q Qere
SP Samaritan Pentateuch
SP^W Samaritan Pentateuch, London polyglot, ed. B. Waltonii, vol. 1 (1654)
Syh Syrohexaplaris
Syr. Syriac
Tg. Targum
Tg. Ps.-J. Targum Pseudo-Jonathan
Ugar. Ugaritic
Vg. Vulgate
VSS ancient versions
α' Aquila

θ' Theodotion
σ' Symmachus

HEBREW GRAMMAR

abs. absolute
acc. accusative
act. active
adv. adverb, adverbial
c. common
conj. conjunction, conjunctive
consec. consecutive
constr. construct
def. art. definite article
disj. disjunctive
du. dual
fem. feminine
fut. future
hiph. hiphil
hithp. hithpael
hoph. hophal
impf. imperfect
impv. imperative
ind. indicative
inf. infinitive
int. interrogative
juss. jussive
masc. masculine
niph. niph'al
pass. passive
pf. perfect
pilp. pilpel
pl. plural
prep. preposition
ptcp. participle
sg. singular
suff. suffix(es)

BIBLICAL AND APOCRYPHAL BOOKS

Gen Genesis
Exod Exodus
Lev Leviticus
Num Numbers
Deut Deuteronomy
Josh Joshua
Judg Judges
Ruth Ruth
1-2 Sam 1-2 Samuel
1-2 Kgs 1-2 Kings

1-2 Chr 1-2 Chronicles
Ezra Ezra
Neh Nehemiah
Esth Esther
Job Job
Ps(s) Psalm(s)
Prov Proverbs
Eccl Ecclesiastes
Cant Canticles, Song of Solomon
Isa Isaiah
Jer Jeremiah
Lam Lamentations
Ezek Ezekiel
Dan Daniel
Hos Hosea
Joel Joel
Amos Amos
Obad Obadiah
Jonah Jonah
Mic Micah
Nah Nahum
Hab Habakkuk
Zeph Zephaniah
Hag Haggai
Zech Zechariah
Mal Malachi

1-4 Kgdms 1-4 Kingdoms
1-2 Esdr 1-2 Esdras
Tob Tobit
Jdt Judith
Add Esth Additions to Esther
4 Ezra 4 Ezra
Wis Wisdom of Solomon
Sir Ecclesiasticus (Wisdom of Jesus the son of Sirach)
Bar Baruch
Ep Jer Epistle of Jeremiah
S Th Ch Song of the Three Children (or Young Men)
Sus Susanna
Bel Bel and the Dragon
Pr Azar Prayer of Azariah
1-4 Macc 1-4 Maccabees

Matt Matthew
Mark Mark
Luke Luke
John John
Acts Acts
Rom Romans
1-2 Cor 1-2 Corinthians
Gal Galatians

Eph Ephesians
Phil Philippians
Col Colossians
1-2 Thess 1-2 Thessalonians
1-2 Tim 1-2 Timothy
Titus Titus
Philem Philemon
Heb Hebrews
Jas James
1-2 Pet 1-2 Peter
1-2-3 John 1-2-3 John
Jude Jude
Rev Revelation

MISCELLANEOUS

ANE Ancient Near East
B.C.E. Before Common Era, Before Christ
ca. circa
C.E. Common Era (A.D.)
chap(s). chapter(s)
col(s). column(s)
diss. dissertation
ed(s). edition; edited by; editor(s)
esp. especially
ET English translation
FS *Festschrift*
JB Jerusalem Bible
KJV King James Version
l(l). line(s)
lit. literally
MOFFAT J. Moffatt, *A New Translation of the Bible* (NT 1913)
MS(S) manuscript(s)
n. note
n.d. no date
NEB New English Bible
NIV New International Version
NRSV New Revised Standard Version
n.s. new series
NT New Testament
OT Old Testament
p(p). page(s)
repr. reprint
RSV Revised Standard Version
Sup Supplement
tr. translated by; translator
Univ. University
UP University Press
v(v) verse(s)
§ section/paragraph

Commentary Bibliography

In the text, references to works in this chronological bibliography of commentaries on Deuteronomy will be by author's last name and date. Pages are given when the reference does not obviously deal with a chapter and verse under discussion.

For a survey of works on Deuteronomy, see **L. B. Cross**, "Commentaries on Deuteronomy," *Theology* 64 (1961) 184–89; **H. D. Preuss**, *Deuteronomium*, ErFor 164 (Darmstadt: Wissenschaftliche Buchgesellschaft, 1982) 203–43.

The Church Fathers

Commentaries by the church fathers are listed here alphabetically with the date of the book or a date pertaining to the author in parentheses after the author's name:

Augustine (354–430). *Locutiones*. *PL* 34, 531–38.

———. *Opus Quaestionum*. *PL* 34, 747–76.

Bede (673–735). *PL* 91, 189–394.

Cyril of Alexandria (441). *PG* 69, 643–78.

Diodorus of Tarsus (394). *PG* 33, 1585–86; *PL* 50, 781–82 (only fragments remain).

Hieronymus (Jerome) (410). *PG* 28, 451–504.

Isidore of Seville (636). *PL* 83, 359–70.

Origen (ca. 250). *Adnotationes*. *PG* 17, 23–36.

———. *Selecta*. *PG* 12, 805–18.

Paterius (ca. 600). *PL* 79, 773–84.

Procopius of Gaza (538). *PG* 87, 891–992.

Pseudo-Bede (ca. 800). *PL* 93, 409–16.

Theodoretus of Cyrrhus (457). *PG* 80, 401–56.

Walafrid Strabo (849). *PL* 93, 67–506.

Early Jewish Commentators

In recent years there has been renewed interest in the study of early Jewish commentary on Deuteronomy. See in particular:

Basser, H. W. *In the Margins of the Midrash: Sefre Haazinu Texts, Commentaries, and Reflections*. SFSHJ 11. Atlanta: Scholars Press, 1990.

———, ed. *Pseudo-Rabad: Commentary to Sifre Deuteronomy*. SFSHJ 92. Atlanta: Scholars Press, 1994.

Fraade, S. D. *From Tradition to Commentary*. SUNY Series in *Judaica*. Albany: State Univ. of New York Press, 1991.

Hammer, R., ed. *Sifre: A Tannaitic Commentary on the Book of Deuteronomy*. YJS 24. New Haven, CT: Yale UP, 1986.

Isseroff, S. A. *An Introduction to Rashi's Grammatical Explanations in the Book of Deuteronomy*. New York: M. P. Press, 1993.

Neusner, J. *Sifre to Deuteronomy*. Vols. 1–2, *An Analytical Translation*. BJS 98, 101. Atlanta: Scholars Press, 1987.

———. *Sifre to Deuteronomy*. Vol. 3, *An Introduction to the Rhetorical, Logical, and Topical Program*. BJS 124. Atlanta: Scholars Press, 1987.

Medieval Jewish Scholars

Commentaries by medieval Jewish scholars primarily in France, Spain, and North Africa who wrote in Hebrew include:

Aaron ben Elijah (Aaron the Younger) (1328–1369).

Aaron ben Joseph ha-Rofe (Aaron the Elder) (1250–1320).

Abravanel (Isaac ben Judah) (1437–1508).

Bahya ben Asher (1291).

Bekhor Shor (Joseph ben Isaac) (12th century).

Hizkuni (Hezekiah ben Manoah) (13th century).

Ibn Ezra (Abraham ben Meir) (1089–1164).

Ibn Janah (Jonah) (ca. 1000–1050).

Judah ben Samuel he-Hasid (1150–1217, Regensburg).

Radak (David Kimchi) (1160–1235).

Ralbag (Levi ben Gershon or Gersonides) (1288–1344).

Ramban (Moshe ben Nahman or Nahmanides) (1194–1270).

Rashbam (Shemuel ben Meir) (1080–1174).

Rashi (Solomon ben Isaac) (1040–1105).

Saadia ben Joseph (882–942).

Sforno (Obadiah ben Jacob) (15th-century Italy).

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Christian Scholars in the Middle Ages

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Denis le Chartreux (Dionysius the Carthusian) (1402–71). In *Opera Omnia*. Montreuil, 1896. 2:519–721.

Hugh of St. Victor (1096–1141). *PL* 175, 29–86.

Nicholas of Lyra (1270–1349). *Postilla Super Totam Bibliam, I*. Strassburg, 1492. Repr. Frankfurt am Main: Minerva GmbH., 1971.

Peter the Chanter (1197) (see Dahan, G. “Les interprétations juives dans les commentaires du pentateuque de Pierre le Chantre.” In *The Bible in the Medieval World: Essays in Memory of Beryl Smalley*. Ed. K. Walsh and D. Wood. Studies in Church History, Subsidia 4. Oxford: Blackwell, 1985. 131–55.

Peter Damian (1007–72). *PL* 145, 1063–1070.

Rupert of Deutz (1070–1129). *PL* 167, 917–1000.

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Roman Catholic scholars who wrote commentaries on Deuteronomy in the century after the Council of Trent include:

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Cornelius a Lapide (Antwerp, 1623) (See “*Commentaria in Deuteronomium*.” In *Commentarii in Scripturam Sacram*. Vol. 1. Paris: J. P. Pelagaud et Socios, 1854. 959–1147. See also “*In Deuteronomium Commentarium*.” In *Scripturae Sacrae Cursus Completus*. Vol. 7. Paris: J.-P Migne, 1861. 125–498.).

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Malvenda, T. (Lyon, 1650).

Mansi, I. D. (Venice, 1754).

Menochius, G. S. (Lyon, 1627).

Sanctis Pagnini (1470–1541) (See *Commentario in Mosi Pentateuchum*. Ed. Hieronymus ab Oleastro. Antwerp, 1568.).

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Nineteenth and Twentieth Centuries

For purposes of convenience, the writing of commentaries on Deuteronomy in the nineteenth and twentieth centuries may be divided into four phases: 1805–1894, 1894–1943, 1943–1963, and 1963–1999. Each phase is introduced by a major breakthrough in critical study: Phase 1—W. L. de Wette’s 1805 dissertation on Deuteronomy, which laid the cornerstone for the edifice of Pentateuchal literary criticism; Phase 2—the simultaneous, but independent, publications of C. Steuernagel and W. Staerk in 1894, which introduced redaction-critical study of Deuteronomy based primarily on the so-called *Numeruswechsel* (see *Excursus: “The Numeruswechsel in Deuteronomy”*); Phase 3—the publication of M. Noth’s theory that ties the study of Deuteronomy to the so-called Deuteronomic (or Deuteronomistic) History (Joshua through 2 Kings), which eventually led to what today is called canonical criticism; and Phase 4—N. Lohfink’s “stylistic” analysis of Deut 5–11 in 1963, which suggests unity of authorship and opens the door to new models for understanding the canonical process in ancient Israel.

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The list that follows is given in alphabetical order within chronological blocks of time, beginning with the seminal work of W. M. L. de Wette in 1805, which marks the beginning of the modern critical era in the study of Deuteronomy. Monographs on specific passages or portions are noted in the chapter bibliographies.

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FESTSCHRIFTEN (WITH SIGNIFICANT ARTICLES ON DEUTERONOMY)

A number of important articles on Deuteronomy appear in collections of essays presented in honor of various scholars. Such entries often have more than one editor and tend to take up considerable space when cited in full. Since *Festschriften* are referred to numerous times throughout the commentary, they are listed here for reference in alphabetical order, according to the last name of the person honored in the *Festschrift*, and arranged in consecutive blocks of time. Citations of these works in the commentary will include both the name of the person honored and the date of publication.

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Reading 6: Laws on Human Affairs in Relation to Others (21:10–25:19)

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Introduction

The sixth of the eleven weekly portions in the lectionary cycle of Torah readings from Deuteronomy, which is known as כִּי תֵצֵא, “when you go forth,” from its opening words, extends from 21:10 through 25:19 and coincides with the fourth major section in my outline of Deut 12–26.

A Public worship at the central sanctuary and in local towns

B Laws on human affairs in relation to God—sacred	<u>12:1–14:21</u>
X Laws on leadership and authority—executive and judicial	<u>14:22–16:17</u>
B' Laws on human affairs in relation to others—secular	<u>16:18–21:9</u>
A' Public worship at the central sanctuary and in local towns	<u>21:10–25:19</u>
	<u>26:1–19</u>

Within the so-called central core of Deuteronomy (chaps. 12–26), the weekly portions in the assigned Torah readings agree with the book's literary structure on the basis of the prosodic-textual analysis presented here, except that the fourth of the weekly portions (11:26–16:17) covers two sections of my outline, and the seventh (26:1–29:8 [9]) extends well into the next major section of the book (Deut 27–30).

Commentators almost always describe the laws in 21:10–25:19 as “miscellaneous laws,” with the implication that there is little if any discernible structure in the arrangement of these forty-three laws. As we will see in the discussion below, the ordering of the laws is concentric in nature and the primary structural markers are a sequence of laws on the subjects of marriage and war (24:10–14; 23:1 [Eng. 22:30]; 24:1–5; 25:17–19), which correspond with the sixth and seventh commandments (prohibiting murder and adultery). Within this structure, most of the laws here deal with matters of social ethics in laws that correspond with the eighth, ninth, and tenth commandments (on theft, false testimony, and coveting).

As was the case for each of the previous three major sections of the central core of Deuteronomy, the forty-three laws in 21:10–25:19 may be outlined in a five-part concentric structural design:

A Marriage with a woman captured in war	<u>21:10–14</u>
B Eighteen laws on “true religion” and illicit mixtures	<u>21:15–22:29</u>
X Prohibition of marrying one's father's wife	<u>23:1</u>
B' Seven laws on “true religion”	<u>23:2–26</u>
A' Sixteen laws on marriage, war, and “true religion”	<u>24:1–25:19</u>

In this reading the primary structural markers are two laws dealing with both marriage and war (21:10–14 and 24:1–4), which make up the first half of the outer frame (21:10–14) and the opening law in its second half (24:1–25:19). The inner frame is made up of twenty-five laws in two complex sections whose primary themes are what I have called “true religion” and the subject of illicit mixtures (21:15–22:29 and 23:2–26). By “true religion” I mean with the letter of James, “Religion that is pure and undefiled before God and the Father is this: to visit orphans and widows in their affliction, and to keep oneself unstained from the world” (Jas 1:27). These laws on matters of humanitarian concern are extended to the animal world as well. In the center of the above structure is a distinctive and enigmatic law prohibiting marriage to one's father's wife, which in a polygamous society includes one's father's concubines, as we will see.

The forty-three laws in this section are distributed in a combination of seventeen plus twenty-six, the two sacred numbers that C. J. Labuschagne has discussed in “The Secret of the Hidden Sacred Numbers 17 and 26,” in *Numerical Secrets of the Bible* [1999] 75–104). The twenty-six laws in the center (21:15–25:16) are framed by laws on the subjects of marriage and war (21:10–14 and 24:1–5), which are among seventeen in the outer frame: the initial law on marriage and war (21:10–14), and sixteen laws in 24:1–25:19 that are framed by a law on marriage and war (24:1–5) and another on holy war (25:17–19). The last is the concluding exhortation to remember the Amalekite aggression in the days of the exodus from Egypt.

The sixteen laws in 24:1–25:19, which I take up in detail later in this commentary, may be outlined in a menorah pattern:

A Forbidden remarriage and military deferral of a new husband	<u>24:1–5</u>
B Eight laws on social ethics and humanitarian concerns	<u>24:6–22</u>
C Limits on flogging and not muzzling the ox	<u>25:1–4</u>
X Levirate marriage	<u>25:5–10</u>
C' Improper intervention in a fight	<u>25:11–12</u>
B' Social ethics: honest weights and measures	<u>25:13–16</u>
A' Remembering Amalekite aggression (holy war)	<u>25:17–19</u>

The framework in this construction (A, X, A') is made up of two laws on marriage (24:1–4; 25:5–12) and two on war (24:5; 25:17–19). The law on levirate marriage in the center (25:5–12) is framed by three laws dealing with humanitarian issues: laws setting limits on flogging (25:1–3) and a law that prohibits the muzzling of an ox as it threshes grain (25:4). These laws are set over against the curious law on improper intervention on the part of a woman in behalf of her husband, in which she grabs his opponent by the genitals (25:11–12). The remaining frame moves from a series of eight laws on matters of social ethics and humanitarian concerns (24:6–22), to a single law on social ethics in the matter of honest weights and measures (25:13–16).

Another way of looking at the structural unity of 21:10–25:19 as a whole is to examine the relationship between the individual laws within a more elaborate concentric structural design:

A Marriage with a woman captured in war	<u>21:10–14</u>
B Social justice: right of firstborn in polygamous marriage	<u>21:15–17</u>
C Family law: insubordinate son	<u>21:18–21</u>
D Humanism: treatment of executed criminal's body	<u>21:22–23</u>
E Social ethics: helping with lost and fallen animals	<u>22:1–4</u>
F Humanism: releasing a mother bird; parapet on the roof	

G Sex: adultery and other illicit mixtures prohibited	<u>22:6–8</u>
H Prohibition of marrying one’s father’s former wife	<u>22:9–22:29</u>
I Restrictions on entry into the assembly of YHWH	<u>23:1</u>
X Sanctity of the military camp	<u>23:2–9</u>
I’ Asylum for escaped slaves	<u>23:10–15</u>
H’ Prohibition of prostitution [+ <u>23:20–26</u>]	<u>23:16–17</u>
G’ Sex: forbidden remarriage	<u>23:18–19</u>
F’ Humanism: deferral of new husband from the army	<u>24:1–4</u>
E’ Social ethics: taking care of poor and vulnerable	<u>24:5</u>
D’ Humanism: limits on flogging and not muzzling the ox	<u>24:6–22</u>
C’ Family law: levirate marriage	<u>25:1–4</u>
B’ Social justice: honest weights and measures	<u>25:5–12</u>
A’ Remembering Amalekite aggression (holy war)	<u>25:13–16</u>
	<u>25:17–19</u>

The structural design of the whole appears to be shaped around four central issues: warfare, marriage (sex and family), social ethics (care of the poor and vulnerable), and humanitarian concerns. These four general subjects are extensions of commandments six through ten of the Ten Commandments: on homicide (warfare), adultery (illicit mixtures), theft (property), false testimony (social and economic justice), and coveting (humanitarian issues). Matters of warfare, though limited to only four short laws, play a dominant role in the structure of the whole as observed here, appearing at the beginning (21:10–14), in the middle (23:10–17), and at the end (25:17–19). The second major concern is that of marriage and obligations in the area of sexual behavior and family life. The third concern of primary importance centers on the matter of social ethics, and the care of the widow, orphan, and alien in particular. The fourth concern is humanitarian in nature, with laws on the treatment of the body of an executed criminal (21:22–23), limits to flogging (25:1–3), not muzzling an ox while it threshes (25:4), and not taking the mother bird with her young (or eggs) (22:6–7). In almost all cases, the laws in which these four concerns are expressed are arranged in a carefully balanced manner in palindromic manner. These laws are often also arranged in a pattern of three plus one, with a single law in one part of the structure set over against a group of three, which are usually more closely related with one other in some way. The reason most commentators have concluded that the laws in this section of Deuteronomy are miscellaneous in nature is that they have failed to observe the concentric structural design of the whole and of its parts, at all levels of analysis.

Each half of the inner frame in the five-part concentric design of 21:10–23:1 and 23:2–25:19 may in turn be outlined within parallel five-part structures:

A Marriage with a woman captured in war	<u>21:10–14</u>
B Family law: right of firstborn, insubordinate son	<u>21:15–21</u>
X Laws on “true religion” and illicit mixtures	<u>21:22–22:12</u>
B’ Family law: premarital unchastity, adultery, and rape	<u>22:13–29</u>
A’ Prohibition of marrying one’s father’s wife	<u>23:1</u>
A On admission to the assembly of YHWH in the future	<u>23:2–9</u>
B War and sex: a frame around caring for the poor and vulnerable	<u>23:10–24:5</u>
X Laws on “true religion”—protecting the poor and vulnerable	<u>24:6–25:4</u>
B’ Levirate marriage, improper fighting, weights and measures	<u>25:5–16</u>
A’ Remembering Amalekite aggression in times past	<u>25:17–19</u>

The focus of interest in the first half (21:10–23:1) is marriage, family law, and illicit mixtures. The primary concern of the second half (23:2–25:19) is social and business ethics, focused primarily on care for the poor and vulnerable, symbolized in the familiar Deuteronomic trio of the widow, orphan, and resident alien. Within these parallel structures, each section displays a similar pattern, which I take up in detail in the commentary below.

The key to understanding the literary structure of 21:10–25:19 is found in a close look at the laws dealing with war and marriage. As I have shown in the general introduction to the laws of 16:18–21:9, the subject of war corresponds with the sixth commandment, the prohibition of murder (5:17). The subject of marriage and family law corresponds with the seventh commandment, the prohibition of adultery (5:18). Deut 21:10–25:19 opens with a law that touches on both marriage and war: the law on marriage with a woman captured in war (21:10–14). It closes with a brief passage on holy war in the exhortation to remember the aggression of the Amalekites in the days of the exodus from Egypt (25:17–19). The second law on marriage per se, the prohibition of marrying one’s father’s wife (23:1), functions as the second half of an envelope that marks the end of the first major subsection (21:10–23:1), which is essentially a commentary on the seventh commandment.

The law in 23:1 plays a double role, for it is also the initial part of a structural frame for the laws of 23:1–24:4, forming an inclusion with the law forbidding remarriage if a man’s former wife has remarried in the interim (24:1–4). The laws on social ethics in 23:2–26 open with a group of laws on who is permitted to be included in the assembly of YHWH (23:2–9) and the second of the four laws on matters of war, the sanctity of the military camp (23:10–15). As shown in the discussion below, the laws in 23:1–24:4 are essentially a commentary on the sixth through the tenth commandments, in relation to commandments one through three on the matter of true religion, a topic that was already introduced in the previous subsection (21:22–22:4; 22:6–8; and in 22:12 by way of a riddle of sorts on the meaning of wearing tassels on garments). The vertical aspect of true religion in 23:2–24:4, in terms of the

relationship between the worshiper and God, moves from the opening demand for holiness in the military camp (23:10–15) to the prohibition of “holy prostitution” (23:18–19) and then to the law on timely fulfillment of vows made to YHWH (23:22–24).

The horizontal aspect of true religion is introduced in the previous section of laws dealing with marriage and family and illicit mixtures (Deut 21:10–23:1) in the three subunits designated here as “true religion.” The subject is expanded in 23:2–24:4 with a law on asylum for escaped slaves (23:16–17) and three laws dealing with the protection of the poor and vulnerable in 23:20–26. What is presented here is expanded in the concluding major subsection of the sixth weekly portion of Torah readings in Deuteronomy (24:5–25:19), which has in its center a summation of the matter: “You shall not pervert justice to the alien or the orphan and you shall not take in pledge a widow’s garment” (24:17). This is essentially what James described as “true religion”: “to care for orphans and widows in their need, and to keep oneself unstained by the world” (Jas 1:27).

The concluding section in 24:5–25:19 spells out in detail what it means to protect the poor and the vulnerable, within a framework that moves from the last of the four laws on marriage (21:10–14; 23:1; 24:1–4; 24:5), to the last of the four laws on war (21:10–14; 23:10–15; 24:5; 25:17–19). The law on deferral of a new husband from military service in 24:5 and the concluding admonition to remember Amalekite aggression in 25:17–19 form an envelope around what is essentially a grand conclusion to the collection of laws in Deut 12–25. In short, to keep the Torah as taught by Moses is to “fear God” and to love your neighbor as yourself (Matt 22:37–39).

The twenty laws in 21:10–23:1 are essentially an expansion of the seventh commandment prohibiting adultery (5:18), which include six laws on what I have called “true religion.” The laws are grouped in four general categories that are arranged in a concentric pattern:

A *On marriage*—with a woman captured in war (21:10–14)

B *Family laws*: on children (21:15–21)

Right of firstborn in a polygamous family (21:15–17)

Punishment of an insubordinate son (21:18–21)

C *True religion* (21:22–22:4)

Treatment of the corpse of an executed criminal (21:22–23)

Returning lost animals (22:1–3)

Assisting fallen animals (22:4)

D *Illicit Mixtures* (22:5)

Not wearing clothing of the opposite sex (22:5)

X *True Religion* (22:6–8)

Not capturing a mother bird with her young (22:6–7)

Building a parapet around the roof of one’s house (22:8)

D’ *Illicit Mixtures* (22:9–11)

Forbidden combinations of seed (22:9)

Forbidden combinations of animals in plowing: ox and ass (22:10)

Forbidden combinations in textiles (22:11)

C’ *True religion* (22:12)

Tassels on garments (22:12)

B’ *Family laws*: marital and sexual misconduct (22:13–29)

False accusations of premarital unchastity (22:13–19)

True accusations of premarital unchastity (22:20–21)

Adultery with a married woman or engaged virgin (22:22–24)

Rape of an engaged virgin (22:25–27)

Rape of an unengaged virgin (22:28–29)

A' *On marriage*—prohibition of taking one's father's wife (23:1)

Two laws on marriage function as the outer frame in this structure (21:10–14 and 23:1), whereas the next level in the nesting of parallel laws extends the concept of “family law” to children (21:15–21) and to the central issue of marital and sexual misconduct (22:13–29). Within this last group of five laws, we find explicit repetition of the law prohibiting adultery (22:22), of which the larger structure is a literary expansion. The aspect of adultery as an illicit mixture is expanded in a law pertaining to human beings (not wearing clothing of the opposite sex, 22:5) that is set over against three laws pertaining to the nonhuman aspect of the created order: forbidden combinations in seed, plow animals (the ox and the ass together), and textiles (the combination of wool and linen). On either side of these laws on illicit mixtures are a series of laws I have designated as “true religion.” In the first such frame are three laws pertaining to either human beings (the corpse of an executed criminal, 21:22–23) or animals (lost or fallen, 22:1–4) and a fourth dealing with the wearing of tassels on garments (22:12). In the center are two peculiar laws on “true religion” in relation to the nonhuman aspect of the created order (not capturing a mother bird with her young, 22:6–7) and the human aspect as well (building a parapet around the edge of the roof of one's house, 22:8). The message presented within this structural arrangement is profound: in the world of ecology, as well as in human relations, we are entrusted with responsibility under God to exercise our “dominion over everything that has the breath of life” (Gen 1:30).

A series of four distinctive laws on matters pertaining to marriage and war is used as a structuring framework within which to organize the laws in 21:10–25:19. The law on marriage with a woman captured in war (21:10–14) is the first of these four laws, which form a chiasmic framework around seven laws on matters of social ethics (23:2–26), which may be outlined as follows:

A Marriage with a woman captured in war	<u>21:10–14</u>
B Prohibition of marrying one's father's wife	<u>23:1</u>
X Seven laws on matters of social ethics	<u>23:2–26</u>
B' Prohibition of remarriage if former wife has remarried	<u>24:1–4</u>
A' Deferral of new husband from military service	<u>24:5</u>

The pair of laws in the outer frame of this structure deal with the subjects of both marriage and war (21:10–14 and 24:5). The two laws in the inner frame both deal with circumstances in which marriage is prohibited (23:1 and 24:1–4). The seven laws in the center of this structure may be outlined in a menorah pattern:

A Admission to the assembly of YHWH	<u>23:2–9</u>
B Sanctity of the military camp	<u>23:10–15</u>
C Asylum for escaped slaves	<u>23:16–17</u>
X Prohibition of “holy prostitution”	

C' Prohibition of lending at interest	<u>23:18–19</u>
B' Timely fulfillment of vows to YHWH	<u>23:20–21</u>
A' Right to eat from a neighbor's unharvested crops	<u>23:22–24</u>
	<u>23:25–26</u>

The central law within the seven laws on matters of social ethics in this structure is the curious law on “holy prostitution” (23:18–19), which has the quality of a “riddle at the middle” that we have seen elsewhere. The framework in this structure (A, X, A') moves from a law concerning those who are excluded from the assembly of YHWH (including Ammonites and Moabites) and the inclusion of the Edomites, “for he is your brother” (v 8), and the Egyptians (23:2–9), to a law on the right to eat from a neighbor's unharvested crops (23:25–26). As we will see in the detailed discussion of this law below, it was used to shape narrative tradition elsewhere about the “unbrotherly conduct” of the Edomites. In the center of this structure we find the riddle of “holy prostitution” (23:18–19). The outermost frame in this structure moves from the law on the sanctity of the military camp (23:10–15), where “YHWH your God” walks in the midst of the camp (v 15), to a law on the timely fulfillment of vows to YHWH (23:22–24). The innermost frame moves from a law on asylum for escaped slaves (23:18–19) to a law prohibiting lending at interest “to your brother” (v 20), who as a fellow Israelite has the heritage of being an escaped slave (23:20–21).

The structures outlined here suggest that the law prohibiting “holy prostitution” in its center (23:18–19) is to be interpreted within the context of the other six laws on marriage and war as the center of another menorah pattern:

A Marriage and war—marriage with a woman captured in war	<u>21:10–14</u>
B Marriage—prohibition of marrying one's father's wife	<u>23:1</u>
C War—sanctity of the military camp	<u>23:10–15</u>
X Prohibition of “holy prostitution”	<u>23:18–19</u>
C' Marriage—prohibition of remarriage if former wife remarried	<u>24:1–4</u>
B' Marriage and war—deferral of new husband from military service	<u>24:5</u>
A' YHWH's Holy War—remembering Amalekite aggression	<u>25:17–19</u>

The framework in this structure (A, X, A') moves from the first of two laws dealing with both marriage and war (21:10–14) to the concluding reminder to remember Amalekite aggression at the outset of YHWH's Holy War in times past (25:17–19), with the curious law on the prohibition of “holy prostitution” in the center (23:18–19). The outermost frame moves from a law prohibiting marriage to one's father's wife (23:1) to the second law that deals with both marriage and war—the deferral of a new husband from military service (24:5). The innermost frame moves from a law on war, the sanctity of the military camp (23:10–15), to a law on marriage, the prohibition of remarriage if one's former wife has remarried in the interim (24:1–4). Once again, the

careful arrangement of these individual laws on marriage and war within the structural design of the whole of 21:10–25:19 is evident.

Another way of looking at the structure of the laws of 21:10–25:19 within the framework of laws dealing with matters of sex and war is to include all of the laws in a menorah pattern:

A Marriage with a woman captured in war	<u>21:10–14</u>
B Family laws, true religion, and illicit mixtures (17 laws)	<u>21:15–22:29</u>
C Marriage and war (3 laws)	<u>23:1–15</u>
X Laws on social ethics (5 laws)	<u>23:16–26</u>
C' Marriage and war (2 laws)	<u>24:1–5</u>
B' Protecting the poor and vulnerable (12 laws)	<u>24:6–25:16</u>
A' Remembering Amalekite aggression (YHWH's Holy War)	<u>25:17–19</u>

The framework in this structure (A, X, A') moves from a law on marriage with a woman captured in war (21:10–14), to the concluding reminder to remember to hate the Amalekites because of their military aggression at the outset of YHWH's Holy War in the exodus from Egypt (25:17–19), with a group of five laws on matters of social ethics in the center (23:16–26). The outermost frame moves from a collection of seventeen laws on matters of social ethics (21:15–22:29), to another collection of twelve laws protecting the poor and vulnerable (24:6–25:16). Both of these substructures are in turn concentric in nature with laws on true religion at their centers, laws that mean concern for both the mother bird with her young (22:6–7) and fellow human beings (22:8), and in particular with the protection of sojourners, orphans, and widows in our midst (24:17–22).

The evidence for the use of the divine-name numbers according to Labuschagne for Reading 6 (21:10–25:19) as a whole reveals the following:

Words:	before 'atnāḥ		after 'atnāḥ			
<u>21:14</u>	11	+	6	=	17	
<u>21:10–14</u>	39	+	31	=	70	
<u>21:10–23</u>	133	+	85	(= 5 × 17)	=	218
<u>22:1–12</u>	109	+	61	=	170	(= 10 × 17)
<u>22:13–29</u>	170	(= 10 × 17)	+	97	=	267
<u>23:1–26</u>	182	(= 7 × 26)	+	157	=	339
<u>24:1–9</u>	78	(= 3 × 26)	+	75	=	153 (= 9 × 17)
<u>24:10–18</u>	65	+	54	=	119	(= 7 × 17)

<u>24:19–22</u>	32	+	23	=	55	
<u>25:1–19</u>	160	+	100	=	260	(= 10 × 26)
<u>21:10–25:19</u>	929	+	652	=	1,581	(= 93 × 17)

The divine-name numbers 17 and 26 are carefully woven into the fabric of the Hebrew text throughout the sixth reading of the lectionary cycle (21:10–25:19) in a variety of ways.

A. *Three Laws on Marriage and Family (21:10–21)*

1. *Marriage with a Woman Captured in War (21:10–14)*

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Translation and Prosodic Analysis

Marriage with a Woman Captured in War [(6:7):(6:6):(7:6)]

¹⁰ <i>When you go forth to war / against your enemies //</i>	18	2
<i>and YHWH your God / gives him / into your hand</i>	19	3
<i>and you take captive his captives //</i>	9	1_
¹¹ <i>And you see / among the female captives /</i>	11	2
<i>a woman / beautiful in appearance //</i>	8	2
<i>and you desire her /</i>	7	1

	<i>and you would take her to yourself / as a wife //</i>	11	2_
12	<i>You are to bring her / into your house //</i>	13	2
	<i>And she shall shave / her head /</i>	10	2
	<i>and she shall pare / her nails //</i>	12	2_
13	<i>And she shall put off her / captive's garb /</i>	20	2
	<i>and she shall dwell \ in your house /</i>	11	1
	<i>and she shall mourn / her father and mother / a full month //</i>	24	3_
	<i>And after that / you may come in to her /</i>	14	2
	<i>and you shall marry her /</i>	6	1
	<i>And she shall be / your wife //</i>	11	2
14	<i>and it shall be / if you no longer have delight in her /</i>	14	2_
	<i>Then you shall release her \ outright /</i>	9	1
	<i>and you shall surely not sell her / for money //</i>	17	2
	<i>You shall not treat her as merchandise /</i>	8	1
	<i>since / you have humbled her //</i> ס	9	2_

Notes

10.a. One Heb. MS, printed editions, and Cairo Geniza fragments read **איבך**, “your enemy,” for MT **איביך**, “your enemies.”

10.b. A few Heb. MSS, Cairo Geniza fragments, and Syr. read **בידיך**, “into your hands,” for MT **בידך**, “into your hand.”

11.a-a. SP reads **בשביו אשה**, “among his captives a woman,” for MT **בשביה אשת**, “among the female captives a woman.”

11.b-b. One Heb. MS, SP, LXX, Syr., and Tg. read **ולקחתה**, “and you shall take her,” for MT **ולקחת**, “and you shall take.”

12.a-a. LXX reads 2 sg., “you shall shove,” for MT **וגלחה**, “and she shall shove.”

12.b-b. LXX reads 2 sg., “you shall do [i.e., pare],” for MT **ועשתה**, “and she shall do [i.e., pare].”

13.a. LXX reads 2 sg.

13.b. Reading *paštā* followed by *zāqēp qātōn* as conj.

14.a. Reading *paštā*’ followed by *zāqēp qātōn* as conj.

14.b-b. LXX reads *πραθήσεται* (= *תִּמְכַר*), “she shall be sold.”

14.c-c. LXX reads *ἀθετήσεις* (= *תַּעֲמֹר*), “you shall treat contemptuously.”

Form/Structure/Setting

Though the opening law in the series here deals with warfare, which is the subject of the laws in Deut 20, its primary focus is on marital relations, not the war in which the woman was captured. It is one of two laws that deal with both marriage and war, the other being the deferral of a new husband from military service in 24:5. The sequence of laws on the subjects of marriage and war play a primary role as markers in the literary structure of 21:10–25:19 as a whole. The law on marriage with a woman captured in war (21:10–14) also serves as an introduction to a series of three laws on the subject of marriage and family, which include the laws on the right of the firstborn in a polygamous family (21:15–17) and the punishment of an insubordinate son (21:18–21).

The boundaries of the passage in 21:10–14 are marked by the *sētūmā*’ layout markers after vv 9 and 14. Though no further indications of internal structure are given, the law on marriage with a woman captured in war (21:10–14) may be outlined on the basis of content:

A When you see among the female captives a beautiful woman	<u>21:10–11a</u>
B And you desire to take her to yourself as a wife	<u>21:11b</u>
X Shave her head, pare her nails, and keep her for a full month	<u>21:12–13a</u>
B’ Then you may take her as your wife	<u>21:13b</u>
A’ If she no longer pleases you, you must release her outright	<u>21:14</u>

The outer frame in this structure moves from an initial desire on the part of a soldier to take to wife a beautiful woman from among the female captives (vv 10–11a) to a ruling regarding the woman’s future should the man change his mind at some later date (v 14). The inner frame moves from a statement of the man’s desire to marry the woman (v 11b) to the granting of permission to do so (v 13b). The focus of attention at the center is the actual treatment the prospective bride is to receive. The woman is to be taken into the man’s house for a “trial” month, during which time her physical beauty is minimized by shaving her head, cutting her nails short, and having her “mourn her father and mother a full month” (vv 12–13a). If the man can live with a wailing and relatively unattractive woman for a month and still want her as his wife, perhaps the marriage will last.

Carmichael interprets the law of the female captive here in relation to the narrative of Laban’s pursuit of Jacob in Gen 31:25–50. He argues that there was hostility between Jacob and Laban, “as evidenced by Laban’s cheating Jacob and the latter’s response” (*LNB*, 140). When Laban caught up with Jacob and his family at Mizpah, he compared Jacob’s actions to the taking of women captives in war: “What have you done, that you have cheated me, and carried away my daughters like captives of the sword?” (Gen

31:26). “The remarkable reference about the Israelite’s beholding among the captives a woman ‘beautiful in form’ (יפת תאר) has someone like Rachel in mind” (Carmichael, *LNB*, 141). Moreover, this expression is found only twice in the Pentateuch: in Gen 29:17 (of Rachel) and the law here in Deut 21:11. Rachel’s theft of her father’s household gods may have something to do with the law’s demands that the woman sever contact with her past—shave her head, pare her nails, put off her captive’s garb, and bewail her parents for a month. For a parallel in the Mari texts, in which hair and clothing were removed during a rite symbolizing severance from homeland, see du Buit, *RB* 66 (1959) 576–77 (cited by Carmichael, *LNB*, 141 n. 5).

A further indication that details in the story of Jacob and the daughters of Laban were shaped by the content of the law in Deut 22:10–14 is the consideration given to the possibility of separation, as Carmichael has shown (*LNB*, 141–42). Laban pressed Jacob to agree that in their life in the land of Canaan his daughters would not be “humbled” (עָנָה). He did not want Jacob to take any wives in addition to Rachel and Leah (Gen 31:50). As the law states, Laban did not want the “captive women” to be “humbled” (עָנָה) should their Israelite husband “no longer have delight in them” and seek to rid himself of them.

The evidence of the use of the divine-name numbers from Labuschagne’s “logotechnische analyse” reveals little for 21:10–14 other than the fact that v 14 is made up of 17 words.

Comment

12–13 The acts of “shaving her head, paring her nails, and putting off her captive’s garb” are usually interpreted as part of the woman’s mourning process. “The shaving of the head and putting off of the clothes is referred to in the Mari texts where it has the purpose of getting rid of everything that would remind the captive of home” (Mayes [1981] 303; cf. du Buit, *RB* 66 [1959] 576–77). Rabbi Akiba thought they were intended to make the woman less attractive to her captor (*Sifre* 212; see Tigay [1996] 194, 381 n. 29). The “captive’s garb” (שְׂמֹלֶת שְׁבִיָּה) is simply the clothes the woman was wearing when taken captive. The woman is to “mourn her father and mother a full month,” which in the lunar calendar of ancient Israel was thirty days (cf. the thirty days mourning for the death of Aaron in Num 20:29 and Moses in Deut 34:8).

14 The verb שָׁלַח, “to send (away),” is used of freeing slaves (15:12) and for divorce (22:19, 29). The translation “treat her as merchandise” (תַּתְעַמְרָה) explains the previous clause, “you shall surely not sell her” (מִכַּר לֹא־תִמְכַרְנָהּ). The traditional translation of תַּתְעַמְרָה as “to enslave” is an ancient conjecture. The term appears only here and in 24:7. The piel of the verb עָמַר appears in Ps 129:7 with the meaning “to bind sheaves,” from עָמִיר, “row of fallen grain.” The precise meaning of the verb הַתְעַמְרָה remains uncertain. Alt has argued from a cognate noun in the Ugaritic texts, which designates a group of people liable for military service, that it means the

action of one who claims unlimited power of disposal over others (VT 2 [1952] 153–59). The translation here follows that of David (VT 1 [1951] 219–21) and Hulst (*Old Testament Translation Problems*, 16). The piel verbal form **הַנְּהַלְתָּ**, which is translated here as “you have humbled her,” carries the sense of “doing violence to” in sexual matters (cf. 22:24, 29). The woman is brought low by the circumstances of the forceful loss of her family and her former way of life.

Explanation

The law on marriage with a woman captured in war (21:10–14), like the law that grants military deferral to a new husband (24:5), combines matters pertaining to war and sex. The law here concerns the matter of a captive female from a distant city, according to the rule in 20:10–15, not to marriage with a Canaanite woman, which is forbidden. The reasoning behind the specific terms of the law in 21:10–14 is not spelled out.

With her head shaved and nails pared (v 12), her “captive’s garb” was discarded and the woman was to “mourn her father and her mother a full month,” after which the man was permitted to marry her (v 13). Reasons for these actions have been conjectured through the years, as illustrated by the comments of Thomas Scott long ago: “Considering things thus coolly, we may perhaps before it be too late, have our admiration changed into disgust, and many fatal consequences may be prevented.... Irregular indulgences frequently end in dislike and ill-treatment of the very object that was inordinately loved!” (*Holy Bible* [1823] 539). The shaving of the head, the paring of the nails, and the changing of clothing signified a change in status and the taking on of a new life in another culture. But even this is not enough to assure a lasting union.

The concluding note about the man no longer having delight in the woman with the command to “release her outright” (v 14) is easily misinterpreted. A surface reading suggests that a husband, at least in some circumstances, can get rid of his wife for trivial reasons. In light of the sanctity of marriage, as taught elsewhere in the Bible, we know that this is not a proper conclusion to draw from this text. Maxwell states that he prefers “to think that the phrase “*if you have no delight in her*” refers to the new wife’s refusal to accept her husband’s spiritual values ... since her previous culture and religion have been foreign to Israel” ([1987] 251). Though there is some truth in this opinion, it moves beyond the evidence in the text itself, which presents no reasons for the change in the man’s attitude. The law focuses on the rights of the woman by stating that the man who marries a female prisoner of war and subsequently becomes dissatisfied with her, for whatever reasons, is not permitted to reduce her to slavery. Such a woman had legal rights in ancient Israel, and moral obligations ensue from the fact that the man initiated a sexual relationship with her. Perhaps the most significant conclusion to draw from this text is the respect for the personhood of a captured woman. A primary concern in the laws of Deut 21–25 is for protecting the poor and vulnerable in society from exploitation on the part of the powerful.

In ancient Jewish practice, a formal procedure was introduced in which the woman in such circumstances agreed to convert to Judaism. Even so, the rabbis discouraged such marriages, notes Tigay, regarding “such unions as motivated by lust and [they] considered the present law as a concession to the likelihood that they would take place whether permitted or not. In their view, verses 12–13 are designed to delay and, ideally, discourage such a marriage by making the woman unattractive” ([1996] 194).

One of the lessons to be learned from the law on marriage with a woman captured in war is the importance of a husband and wife sharing common spiritual values as the proper basis of a lasting union. We would do well to follow the example here in deliberately delaying commitment in marriage for a period of time to assure that the decision to marry is not based primarily on physical lust.

2. *Right of the Firstborn Son in a Polygamous Family (21:15–17)*

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Translation and Prosodic Analysis

Right of the Firstborn in a Polygamous Family [(4:6):(5:5):(6:4)]

¹⁵ <i>When a man has / two wives /</i>	15	2
<i>the one loved / and the other hated /</i>	19	2_
<i>And they both have borne him sons /</i>	12	1
<i>the loved one / and the hated one //</i>	14	2
<i>and it happens / the firstborn is the son / of the hated one //</i>	<u>18</u>	3_

¹⁶ <i>And it shall be / on the day /</i>	8	2
<i>he gives as inheritance to his sons / what he / has //</i>	18	3_
<i>He must not /</i>	5	1
<i>treat as firstborn / the son of the loved one /</i>	13	2
<i>in the presence of the son of the hated one / the firstborn //</i>	<u>15</u>	2_
¹⁷ <i>Rather / the firstborn son of the hated one he shall recognize /</i>	17	2
<i>by giving him /</i>	5	1
<i>a double portion / of all that belongs / to him //</i>	17	3_
<i>For he / is the first issue of his procreative power /</i>	12	2
<i>to him / belongs the right of the firstborn //</i> ט	<u>10</u>	2_

Notes

15.a. One Heb. MS and SP read אחת and ואחת for MT האחת, “the one,” and והאחת, “and the (other) one,” omitting the def. art.

15.b. SP reads לשנואה for MT לשניאה, “the hated one,” with no change in meaning.

17.a. The *waw*-conj. is added in SP, LXX, Syr., and Vg.

Form/Structure/Setting

In the larger literary structure of 21:10–23:1, the two laws on children (21:15–21) are set over against five laws on marital and sexual misconduct (22:13–29). The two laws on children have to do with inheritance rights on the part of the firstborn in a polygamous family (21:15–17) and the punishment of an insubordinate son (21:18–21). The first, dealing with inheritance rights and the subject of property, corresponds with the eighth commandment, prohibiting stealing. The second, the matter of the insubordinate son, has to do with the fifth commandment, requiring parental respect.

The boundaries of the law on the inheritance right of the firstborn son in a polygamous family (21:15–17) are marked by the *sētūmā*’ layout markers after vv 14 and 17. The law may be outlined on the basis of its content:

A A man has sons of two wives, one loved and one unloved	<u>21:15</u>
B When he assigns his property to his sons	<u>21:16a</u>
X He is not permitted to ignore the one who is firstborn	<u>21:16b</u>
B’ The firstborn is to receive a double portion	<u>21:17a</u>
A’ To the eldest son belongs the right of the firstborn	

The legal situation is presented in the outer frame: when a man has sons by two wives (v 15), the right of the firstborn belongs to the eldest son (v 17b). The situation is complicated, however, by the fact that the man loves one of his wives more than the other. The inner frame expands the legal situation by spelling out what the law entails. When a man assigns his property to his sons (v 16a), he must give a double portion to the firstborn (v 17b). The point is reinforced in the center of the structure (v 16b): the man is not permitted to ignore the rights of the firstborn, even if he has a favorite son by the wife he loves the most whom he desires to recognize as his primary heir.

Though Carmichael has argued that the laws in Deuteronomy were written later than the narratives of the Torah and the Former Prophets and were shaped by that very tradition (*LNB*, 16–17), the evidence here points in the opposite direction. The laws of Deuteronomy were foundational, and the narrative tradition appears to be shaped by what is later called midrash. They are stories intended to elucidate a sacred “canonical” text, in this case the collection of laws in Deut 12–26, which in turn were written as a midrash of sorts on the Ten Commandments. What God revealed to Moses on Mount Sinai was the “acorn,” which contained the genetic code, as it were, that enabled it to grow in the course of time so as to become the “mighty oak tree” we know as the Bible.

Though Jacob’s transfer of the birthright from his eldest son Reuben to his favorite son Joseph portrays Jacob denying the right of the firstborn, Carmichael argues that the story of Jacob and Esau brings out the issue more clearly (*LNB*, 142–45), for Jacob “steals” the birthright from his elder brother Esau, with the connivance of his mother Rachel. The story in Genesis then moves on to broach another question: When does a son deserve to be cut off by his parents? (*LNB*, 146–50). This is the subject of the second of the two family laws in Deut 21:18–21, the punishment of a rebellious son. It is his mother’s favoritism toward his brother Jacob that unjustly deprived Esau of his birthright. But the story moves on as Esau’s situation turned into an offense comparable to that of Reuben’s sin with his father’s concubines, for Esau married two Hittite wives, who “made life bitter for Isaac and Rebekah” (Gen 26:35).

The story of Jacob’s problem with his firstborn son Reuben in Gen 29:31–32; 35:22; and 49:3–4 illustrates the law in matters of detail, as Carmichael has shown (*LNB*, 142–45). Jacob had two wives—Rachel, the loved wife, and Leah, the unloved. Reuben was the firstborn son of Leah. Rachel’s firstborn, Joseph, was Jacob’s eleventh son; and six of Joseph’s older brothers were the sons of Leah, the unloved wife. Reuben forfeited his firstborn status by lying with his father’s concubine (35:22). In his final blessing of his twelve sons, Jacob acknowledged Reuben as his firstborn (49:3); but he gave the chief blessing to Joseph (49:22–26).

Though we can see why Reuben forfeited the right of the firstborn in this instance, the question remains as to why the other brothers were passed over. If there were extenuating circumstances, the account in Genesis does not record them. As Jacob himself attained his brother’s birthright fraudulently, he passed on the birthright of his own firstborn son in an improper manner to the son of his favored wife. Here Deuteronomy declares that his action was contrary to God’s law.

Though Labuschagne’s “logotechnische analyse” for 21:15–17 reveals no evidence on the use of the divine-name numbers 17 and 26, the pattern within its larger context in 21:10–23 may be summarized as follows:

Words: before 'atnāḥ after 'atnāḥ

21:15–17 37 + 22 = 59

$$\underline{21:18} \quad 12 \quad + \quad 5 \quad = \quad 17$$

$$\underline{21:18-23} \quad 57 \quad + \quad 32 \quad = \quad 89$$

$$\underline{21:10-23} \quad 133 \quad + \quad 85 \quad (= 5 \times 17) \quad = \quad 218$$

It is only when vv 15–17 are taken within its larger context that the use of the divine-name number 17 becomes clear, for there are a total of 85 (= 5 × 17) words after 'atnāḥ in 21:10–23. There are also 17 words in v 18 and a total of 32 words after 'atnāḥ in vv 18–23. Since 32 is the numerical value of כבוד, “glory,” the presence of 32 and 17 here signifies the “glory of YHWH.”

Comment

15 The expression “the one loved and the other unloved” (lit. the “loved” [אהובה] and the “hated” [שנואה]) as an idiom for the favored and the unfavored wife is found in Arabic (Granqvist, *Marriage Conditions*, 2:194), Egyptian (A. Erman, cited by Rabinowitz, *HTR* 46 [1953] 94 n. 12), and Akkadian (*Gilgamesh Epic* 12:23–26, 42–45; see Tigay [1996] 382 n. 39). Biblical examples include Jacob’s wives Rachel and Leah (Gen 29:30–31) and Elkanah’s wives Hannah and Peninah (1 Sam 1:5).

16–17 The phrase לֹא יוּכַל functions as a rhythmic bridge connecting the two halves of v 16. When read with what precedes it, the meaning is essentially “he must not prevail” (cf. Gen 30:8) by exerting his own will contrary to the law. When read with what follows, it is translated “He must not treat as firstborn ...” by assigning him “a double portion” (פִּי שְׁנַיִם, lit. “two mouths”). The assigning of this right of the firstborn has been interpreted in different ways. The early versions and Ben Sira (Sir 12:5; 18:32) took this to mean “double portion,” but as Tigay has shown ([1996] 195–96, 382 n. 43), this may reflect postbiblical exegesis. The estate was divided into shares equal to the number of sons plus one, in Assyria, Nuzi, and Ptolemaic Egypt (see Tigay [1996] 382 n. 44; Mendelsohn, *BASOR* 156 [1959] 38–40; and Milgrom, *IDBSup*, 337–38). It should also be noted that in Zech 13:8 the phrase פִּי שְׁנַיִם has the meaning “two-thirds” (cf. also 2 Kgs 2:9), and in Egyptian “two mouths” means “two-thirds” (A. Gardiner, *Egyptian Grammar*, 3rd ed. [London: Oxford UP, 1957] 197, 452). Thus the law here may have meant that the firstborn is to inherit two-thirds. Tigay ([1996] 196) cites an adoption contract from Mari that stipulates that the chief heir would receive two-thirds of the estate no matter how many other heirs there might be (ARM 8:1; cf. *ANET*, 545, no. 13, where J. J. Finkelstein translates “double share”). As Tigay has noted, this is still more generous to younger sons than was the case in medieval England, where the chief heir received the entire estate ([1996] 196). Similar laws in Scandinavia were responsible for the Vikings of the eighth to tenth centuries C.E. who were primarily “younger sons” who were obliged to find their “inheritance” abroad as pirates.

The verb יָכִיר, “he shall recognize,” is a technical term for legal acknowledgment (Daube, *Studies in Biblical Law*, 5–7). The phrase “first issue of his procreative power”

(ראשית אנו) appears elsewhere as a description of the firstborn (Gen 49:3 [Reuben], Pss 78:51; 105:36 [firstborn of Egypt]). The translation “procreative power” rather than “strength” follows Fohrer (FS *D. Winton Thomas*, 99) and Craigie ([1976] 283 n. 20). In the Bible the preferential treatment of the firstborn is also referred to as “the right of the firstborn” (הבכרה), which means literally “primogeniture” (Rubin, *BMik* 33 [1988] 162–63). “The purpose of granting one son a preferential share may have been to enable him to bear additional responsibilities as head of the family, such as managing the estate on behalf of all the survivors, providing for survivors who were minors, bearing the costs of burying and mourning for deceased parents, or simply to enable him to carry on his father’s name in dignity” (Tigay [1996] 196).

Explanation

Although polygamy was practiced in ancient Israel, without exception it is also depicted as an occasion for family trouble. The law of the right of the firstborn (Deut 21:15–17) was given to limit the extent of that trouble. The story of Adam and Eve presents monogamy as the divine ideal for marriage (Gen 2:20–24). In sharp contrast, the story of Jacob and his two wives illustrates the problem of polygamy: “So Jacob went into Rachel also, and he loved Rachel more than Leah” (Gen 29:30). Jacob’s preference here reflects the human condition, for rivalry between the wives in such a polygamous relationship is inevitable.

This rivalry extends to the children in a polygamous family as well, particularly in the matter of the disposition of property. The law on the right of the firstborn (21:15–17) prohibits disinheriting the eldest son without just cause. When a man settles his estate, a child must not fare the worse for his mother’s unhappiness in being the less favored wife. This principle regarding favoritism within the family applies in monogamous relationship today as well, in the sense that parents should give their children what is due them without showing partiality. Parents should show no more differentiation in dispensing affections among their children than God makes in dispensing his grace among his children.

The reference to a “double portion” of the inheritance (v 17) is not an instance of favoritism but a legal right. The same phrase appears in 2 Kgs 2:9, when Elisha asks Elijah, “Please let me inherit a double share of your spirit.” Elisha is asking Elijah to declare him to be his spiritual heir and successor in terms of the law of the right of inheritance in a polygamous family. By law the firstborn receives a more generous portion of the inheritance in ancient Israel, however one interprets the specific meaning of the Hebrew words פִּי שְׁנַיִם of 21:17, which are rendered here as “double portion.”

3. The Punishment of an Insubordinate Son (21:18–21)

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Translation and Prosodic Analysis

Punishment of an Insubordinate Son [(5:4):(5:5):(4:5)]

18	<i>When a man has / a son / who is rebellious and defiant /</i>	18	3
	<i>who does not obey /</i>	10	1
	<i>the voice of his father /</i>	7	1_
	<i>Or the voice of his mother // though they chastise him /</i>	17	2
	<i>indeed he does not listen / to them //</i>	9	2_
19	<i>His father and his mother / shall seize him //</i>	16	2
	<i>and they shall bring him /</i>	11	1
	<i>to the elders of his city / at the gates of his place //</i>	17	2
20	<i>And they shall say / to the elders of his city /</i>	14	2
	<i>“This son of ours \ is rebellious and defiant /</i>	15	1
	<i>he does not listen / to our voice //</i>	17	2_
	<i>He is a glutton / and a drunkard” //</i>	9	2
21	<i>and all the men of his city / shall stone him with stones /</i>	23	2_
	<i>And he shall die /</i>	4	1
	<i>and you shall purge the evil / from your midst //</i>	14	2
	<i>and all Israel / shall hear (of it) and they shall fear //</i> ס	17	2_

Notes

18.a. SP read **וּמְרֵא**, “and fat, well-fed,” for MT **וּמְרֵה**, “and defiant.”

- 18.b. The *waw*-conj. is read here as emphatic.
- 19.a. A few Heb. MSS and SP omit *waw*-conj.
- 19.b. Tg. and Tg. Ps.-J. add *byt dyn*. Prosodic analysis favors MT.
- 20.a. SP and LXX (τοῖς ἀνδράσιν) read אֶל-אֲנָשִׁי, “to the men.”
- 20.b. Reading *paštā*’ followed by *zāqēp parvum* at conj.
- 20.c. SP read וּמְרָא, “and fat, well-fed,” for MT וּמְרָה, “and defiant.”
- 21.a. LXX omits בָּל, “all.”
- 21.b. LXX, Syr., Tg. Ps.-J., and Vg. read 2 pl.
- 21.c-c. LXX reads καὶ οἱ ἐπίλοιποι, “and the rest (of them)” (= וְהַנְּשָׂאִים) with 19:20 for MT וּכְלִי-יִשְׂרָאֵל, “and all Israel.”

Form/Structure/Setting

The boundaries of the law on the punishment of an insubordinate son (Deut 21:18–21) are marked with *šetūmā*’ layout markers at the beginning and the end, and by the distinctive summary command to “purge the evil from your midst,” which is repeated elsewhere in similar contexts. This law may be outlined on the basis of its content:

A	A man has a rebellious son who “does not listen”	<u>21:18</u>
B	His parents shall bring him before the elders of his city	<u>21:19</u>
X	They shall declare: “He is a glutton and a drunkard”	<u>21:20</u>
B’	All the men of his city shall stone him to death	<u>21:21a</u>
A’	You shall purge the evil from your midst	<u>21:21b</u>

In this structure the outer frame moves from a presentation of the legal situation in which “a man has a son who is rebellious and defiant, who does not obey the voice of his father or the voice of his mother” (v 18), to a summary command to “purge the evil from your midst” (v 21b). The inner frame presents the legal procedure to be followed: the parents shall bring their son before the elders of the city for judgment at the gates of the city (v 19); and, if he is found guilty, “all the men of the city shall stone him to death” (v 21a). The declaration of guilt stands in the structural center: “he is a glutton and a drunkard” (v 20b).

Within rabbinic Judaism, the law of the rebellious son was interpreted so narrowly that it was virtually impossible for it to be carried out, as Tigay’s summary of the halakic reading suggests: “the law applies for only the three months after a son turns thirteen and only if he has ravenously eaten semi-cooked meat and drunk partially mixed wine, in the company of a group that does not include one decent person, and not

on a religious occasion; paying for the food with money misappropriated from his father; only if both parents are living and are not deaf, mute, blind, lame, or maimed in the hand; and only if both agree to prosecute him” ([1996] 382 n. 52).

Carmichael calls attention to Esau’s ravenous appetite for meat in the story of Jacob and Esau (*LNB*, 146–50). Though Esau is certainly not presented as the rebellious and defiant son of Deut 21:18–21, Carmichael argues that he had the potential for that disreputable state. Esau stands as an example of a wayward son who changed his ways, for he decided not to marry another Canaanite woman and sought out an Ishmaelite instead in an effort to please his parents (Gen 28:6–9).

D. N. Freedman has written a significant book (*The Nine Commandments: Uncovering the Hidden Pattern of Crime and Punishment in the Hebrew Bible* [New York: Doubleday, 2000]) that demonstrates that a master editor compiled what Freedman calls the Primary History (the Torah and the Former Prophets). Evidence for this conclusion is found in a series of episodes distributed book by book through eight successive books in the Hebrew Bible that chart the violation of the first nine commandments one by one. The series starts with the sin of national apostasy (worship of the golden calf, Exod 32), which violates the first and second commandments, and concludes with the sin of bearing false witness (the ninth commandment) in the story of Naboth in 1 Kgs 21. Because covetousness lies behind all the crimes committed, each act implicitly breaks the tenth commandment as well. The Ten Commandments constitute the essence of the covenant relationship established between God and the people of Israel at Mount Sinai. The pattern of defiance of that covenant with God led inexorably to the downfall of the nation of Israel, the destruction of the temple, and the banishment of survivors from the promised land. The message is clear to a community in the Babylonian exile that their fate is not the result of God’s abandoning them but a consequence of their abandonment of God. The true people of God are those who maintain the covenant commitment to God by observing the Ten Commandments.

Genesis does not include an episode in this series because the covenant at Mount Sinai, in which the stone tablets with the Ten Commandments are given to Moses, takes place later—in the book of Exodus. The commandments and their violations within the Primary History are as follows:

<i>Commandment</i>	<i>Text</i>	<i>Episode</i>	
1	Do not worship other gods	<u>Exod 32</u>	Golden-calf incident
2	Worship no idols	<u>Exod 32</u>	Golden-calf incident
3	Do not take YHWH’s name in vain	<u>Lev 24:10–17</u>	Stoning to death for sin of blasphemy
4	Keep the Sabbath	<u>Num 15:32–36</u>	Stoning to death for violating the Sabbath
5	Honor your parents	<u>Deut 21:18–21</u>	Stoning to death of stubborn and rebellious son
6	You shall not steal	<u>Josh 7:20–26</u>	Stoning to death of Achan and his family for theft
7	You shall not murder	<u>Judg 20:34–48</u>	Murder of Levite’s concubine
8	You shall not	<u>2 Sam 11</u>	David and Bathsheba

	commit adultery		
9	You shall not bear false witness	<u>1 Kgs 21</u>	Ahab, Jezebel, and Naboth's vineyard

The implications of Freedman's study, so far as the canonical process in ancient Israel is concerned, are profound. The law of punishment of an insubordinate son (Deut 21:18–21) is an essential element in this series of episodes that extends through eight successive books in the canon of the Hebrew Bible (including Deuteronomy). Since Freedman argues that these episodes appear to be the work of a single editorial hand, this raises interesting questions. The fact that Labuschagne found little of interest in the text of Deut 21:18–21 in his numerical analysis lends some support to the possibility of this particular law being a subsequent editorial insertion. On the other hand, the grand totals for the numbers in Reading 6 (Deut 21:10–25:19) and in the book of Deuteronomy as a whole represent figures determined by the divine-name numbers 17 and 26. This fact indicates that the process of adjusting the text to achieve this remarkable phenomenon continued after the initial work of Freedman's "master editor." If that editor is to be identified with Baruch in the time of the prophet Jeremiah, as Freedman suggests (*Nine Commandments*, 93–97, 168), the editorial process continued well into the period of the Babylonian exile (ca. 587–538 B.C.E.) and perhaps the subsequent Persian era as well. One of the persons involved in the earlier period of this process may be Baruch's brother Seraiah, who apparently went to Babylon with Jeremiah's writings in ca. 593 B.C.E. (Jer 51:59–64). The circle of scribes ("counters") in Babylon who labored in the canonical process within ancient Israel probably included the prophet Ezekiel as well.

Comment

18 On the "rebellious and defiant" child, see Marcus, *JANESCU* 13 (1981) 31–52. The discipline the parents inflict on their rebellious son is translated here in the general sense of "chastise him" (וִיטְרוּ אֹתוֹ). It could also be rendered "they flog him," following both rabbinic interpretation and the meaning in 22:18.

19 The text states that both "his father and his mother shall seize him," which indicates that the two must agree to this action. According to Josephus (*Ant.* 16.11.2 §§365–66), Herod I used this law as a pretext for killing two of his sons (see Tigay [1996] 382 n. 55). On the city gates as a place for litigation, see the *Comment* on 17:8.

20 The charge that the son "is a glutton and a drunkard" appears to be proverbial in nature, as a typical example of insubordination (cf. Prov 23:20–21; 28:7).

21 The statement that "all the men of his city shall stone him with stones" does not mention the parents, perhaps to demonstrate that they do not have the power of life and death over their children (so Tigay [1996] 197). The verb סָקַם, "to stone," does not appear elsewhere in Deuteronomy, though it is used elsewhere in the Torah (Lev 20:2, 27; 24:14, 23; Num 15:35) and in Josh 7:25 of the stoning of Achan and his household (cf. 13:10, where סָקַל, "to stone," is used instead). On "purge the evil from your midst," see the *Comment* on 13:6.

Explanation

Since there is no record in the Bible that the law of the insubordinate son (Deut 21:18–21) was ever enforced, it is safe to conclude that the primary purpose of this law was pedagogical—that “all Israel shall hear and fear” (v 21). Maxwell observes that a person is confronted with his own disobedience to biblical commands, he or she is more likely to ‘hear and sneer’ than to ‘hear and fear.’ Why? The church body lacks discipline. The greatest deterrent to sin in a society is that the people love God and fear (reverence) Him by obeying His commands. Love without fear is mush. Fear without love is legalism. Only the two together in proper balance will bring about the obedience required by God” ([1987] 253).

Respect for and obedience to parents were of vital importance in ancient Israel. In the Book of the Covenant, a son who strikes his father or mother, or who curses them, “shall be put to death” (Exod 21:15, 17; cf. also Lev 20:9); and the covenant curses of Deut 27:16 include “anyone who dishonors father or mother.” The law here concerns a completely hardened and worthless son.

In his comments on this law some three hundred years ago, Matthew Henry said of the insolent son, “If he carry himself proudly and insolently toward his parents, contemn their authority, slight their reproofs and admonitions, disobey the express commands they give him for his own good, hate to be reformed by the correction they give him, shame their family, grieve their hearts, waste their substance, and threaten to ruin their estate by riotous living; this is a *stubborn and rebellious son*” (*Exposition of the Old and New Testament* [1828] 659). This description shares some of the tendencies of the halakic reading of the law in rabbinic Judaism (see Form/Structure/Setting above), and shows why there is no record of this law ever being enforced.

The concluding sentence in the indictment of the insubordinate son, that “he is a glutton and a drunkard” (v 20), bears further reflection in applying the meaning of this text in a modern setting. Few evils can match the pervasive power of drunkenness, particularly if this phenomenon is extended to include addiction to drugs other than alcohol. The modern parent of such an insubordinate son may have specific evils in mind quite different from those faced by parents in antiquity. In the words of King Lemuel’s mother, “It is not for kings to drink wine, or ... to desire strong drink; lest they drink and forget what has been decreed” (Prov 31:4–5). In principle these words apply to anyone, not just to kings. Drunkenness, whether induced by alcohol or other substance abuse, leads inevitably to disobeying God’s law—with all its necessary consequences.

Though the parents are the prosecutors in this instance, they are not themselves permitted to put their children to death. Unlike the law concerning transgression of the covenant in Deut 17:2–7, where “the hand of the witnesses shall be on them as the first to kill them” (v 7), it is “the men of his city” alone who are commanded to stone the insubordinate son (21:21). No mention is made of the participation of the parents in the execution itself. Parents do not have the power of life and death over their children, as was the case in ancient Roman law. Judaism and Christianity do not condone such practices, though neither condemns the occasional parent who is forced to seek civil help in restraining willful children.

At the heart of the legislation here lies the need for the stability of the family. Sound family life requires the authority of the parents, upheld by respect for the law. Like disrespect for parents, disrespect for the law breeds contempt for discipline in general, whether divine or human, and the ultimate breakdown of society itself. At the same time, we do well to remember that the restraint of laws can never be so effective in the inculcation of parental respect as conversion of the heart, and the lovingkindness that comes from the enabling Spirit of God within.

B. Ten Laws on “True Religion” and Illicit Mixtures (21:22–22:12)

1. Treatment of the Body of an Executed Criminal (21:22–23)

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Translation and Prosodic Analysis

Treatment of the Body of an Executed Criminal [(4:4):(4:4)]

- | | | |
|--|----|----|
| ²² <i>And when it happens that a man \ is guilty /</i> | 10 | 1 |
| <i>of a capital offense \ and he is put to death //</i> | 10 | 1 |
| <i>and you hang him up / on a gibbet //</i> | 13 | 2_ |
| ²³ <i>His body shall not remain overnight / on the gibbet /</i> | 16 | 2 |
| <i>but you shall surely bury him / on that day /</i> | 17 | 2_ |

<i>For accursed of God / is a hanging person //</i>	13	2
<i>and you shall not so defile / your soil /</i>	13	2
<i>that / YHWH [] / is giving you / as an inheritance //</i> ם	<u>15</u>	4_

Notes

22.a. One Heb. MS, SP, LXX^N, and Vg. omit *waw*-conj.

22.b. Replacing *rēbīa* with a conj. accent to achieve prosodic balance in terms of the distribution of accentual stress units.

22.c. Reading *tiphā*’ as conj. because of misplaced *’atnāh*.

22.d. One Heb. MS, SP, LXX, Tg., and Tg. *Ps.-J.* read **העץ**, “the tree,” for MT **עץ**, “a tree [i.e., gibbet].”

23.a. One Heb. MS and LXX read **עץ**, “a tree,” for MT **העץ**, “the tree [i.e., gibbet].”

23.b-b. SP reads **תלאי** for MT **תלוי**, “a hanged (man),” with no change in meaning. LXX reads *πᾶς κρεμάμενος ἐπὶ ξύλου* (= **כל תלוי על עץ**, “all who are hanged on a tree”). The addition may have been caused by the need to compensate in terms of prosodic balance for the secondary addition of the word **אלהיך**, “your God,” in the second half of this verse. See discussion below under *Form/Structure/Setting*.

23.c-c. Reading 2 pl. with LXX and Tg. *Ps.-J.* as *lectio difficilior* for MT **תטמא**, “you [sg.] shall (not) defile.”

23.d. Reading **אלהיך**, “your God,” as a secondary expansion of the text (see discussion under *Form/Structure/Setting*).

Form/Structure/Setting

From a law on the inheritance rights of the firstborn son and one in which a son loses his rights because his conduct requires his execution, Moses moves on to an aspect of the death penalty itself. If the sentence has been carried out and the body has been exposed for public view, so that “all Israel shall hear and fear” YHWH (21:21), the corpse must be removed and buried before nightfall. Failure to do this will “defile the land that YHWH your God is giving to you as an inheritance” (v 23).

Having raised a humanitarian issue in the treatment of the corpse of an executed criminal, attention shifts to the more general issue of lost livestock (22:1–3), then to a lost garment, and then “any lost thing of your brother’s” (v 3). From there the focus broadens to include coming to the assistance of an animal in need, an ass or an ox that has “fallen on the road” under the burden of its load (v 4). This focus outward “to love your neighbor [including his pack animals] as yourself” is subsequently broadened even

further in laws concerning a mother bird and her young (vv 6–7), before shifting back to human beings in risk of injury by falling from a roof without a protective parapet (v 8), and finally to a concluding “riddle” in the law on making tassels the four corners of your cloak” (v 12).

The boundaries of the law on the hanging corpse (21:22–23) are marked with *sētūmā*’ layout markers at the beginning and the end, and the *Numeruswechsel* in v 23 as restored from LXX and *Tg. Ps.-J.* In terms of prosodic structure, the law is in three parts, each of which has six accentual stress units. The law, which is the first of three successive laws dealing with humanitarian issues, may be outlined as follows:

A	When a man is put to death and his body hanged on a tree	<u>21:22</u>
B	You shall not leave the body hanging on the tree	<u>21:23a</u>
X	You shall bury him on that same day	<u>21:23b</u>
B’	For accursed by God is a hanging man	<u>21:23c</u>
A’	You shall not defile the land God is giving you	<u>21:23d</u>

The law stipulates that the corpse of an executed criminal must be buried on the same day as the execution (v 23b). The inner frame declares that his body is not to be left hanging on a tree (v 23a), for a hanged man is accursed by God (v 23c). The outer frame states the problem in plain words: when a corpse is left hanging on a tree (v 22), the land itself is defiled (v 23d).

Carmichael sees a connection between this law and the narratives of Joshua and the corpse of the king of Ai, who was “hanged ... on a tree until evening” (Josh 8:29), and the story of the execution of Saul’s sons by the Gibeonites in 2 Sam 21:1–14, when the seven corpses were not buried according to the law (*LNB*, 150–55). At the outset in the book of Joshua the focus of the exodus is on the conquest of Jericho and Ai. After the conquest of Ai, and immediately before the renewal of the covenant at Shechem on Mount Ebal, Joshua “hanged the king of Ai on a tree until evening; and at sunset Joshua commanded, and they took his body down from the tree, threw it down at the entrance of the gate of the city, and raised over it a great heap of stones, which stands there to this day” (Josh 8:29 NRSV). Immediately following, Joshua built an altar on Mount Ebal and erected plastered stones on which a copy of the laws of Deuteronomy were displayed for the people of Israel to read (Josh 8:30–32; cf. Deut 27:2–4). A bit later in the narrative in Joshua we read of the defeat of the five Canaanite kings who hid themselves in the cave at Makkedah (Josh 10:16). Joshua “put them to death, and he hung them on five trees. And they hung on the trees until evening. At sunset Joshua commanded, and they took them down from the trees and threw them into the cave where they had hidden themselves; they set large stones against the mouth of the cave, which remain to this very day” (Josh 10:26–27 NRSV).

In between these two accounts of Joshua and the law of “the hanging corpse” we find the story of the Gibeonites, who tricked Israel into making a covenant treaty with them (Josh 9). Much later, after King Saul “put the Gibeonites to death” (2 Sam 21:1), King David sought to make atonement for Saul’s sin with those who remained in Gibeon. In response to their request, David delivered seven of Saul’s sons (some were grandsons) “into the hands of the Gibeonites, and they hanged them on the mountain before the LORD” (2 Sam 21:9). But in this instance the bodies were not buried

according to the law of Deuteronomy. Thus, according to the laws of Deuteronomy, the land was defiled.

Much as the law of an insubordinate son was used in the subsequent literary development of the narrative story of the Torah and Former Prophets to anticipate a surprisingly negative view of “Israel,” so the law of the hanging corpse was used to portray a surprisingly negative assessment of the kingdom of David (Carmichael, *LNB*, 146–55).

At first glance, the evidence assembled by Labuschagne on the use of the divine-name numbers in 21:22–23 reveals very little. But when the text is modified in light of the prosodic analysis by omitting the word אלהיך, “your God,” in the second half of v 23, fascinating results emerge that may be summarized as follows:

Words:	before 'atnāḥ		after 'atnāḥ		
<u>21:18</u>	12	+	5	=	17
<u>21:20–21</u>	20	+	6	=	26
<u>21:22–23</u>	21	+	13	=	34 (= 2 × 17)
<u>21:18–23</u>	57	+	32	=	89
<u>21:10–23</u>	133	+	85 (= 5 × 17)	=	218
<u>21:10–25:19</u>	929	+	652	=	1,581 (= 93 × 17)

In the previous law on the punishment of an insubordinate son (21:18–21), Labuschagne observed that both of the divine-name numbers appear with a total of 17 words in v 18 and 26 words in vv 20–21. When this law is combined with the law on the treatment of the body of an executed criminal (21:22–23) to form a literary unit, we find 32 words after 'atnāḥ, signifying the numerical value of the Hebrew כבוד, “glory” (= 20 + 2 + 6 + 4 = 32). In the larger literary context we now find a total of 85 (= 5 × 17) words after 'atnāḥ in 21:10–23. But of greater significance, we find a total of 1,581 (= 93 × 17) words in the whole of the sixth weekly portion in the lectionary cycle of readings in Deuteronomy (21:10–25:19). In their “commentary” on the Ten Commandments, the scribes (“counters”) of ancient Israel carefully counted the words and arranged them in a manner to bear witness to the divine name YHWH—to the glory of God.

Comment

22 The phrase “hang him up on a gibbet” refers to exposing the body of the executed for public display (cf. Gen 40:19; Josh 10:26; Esth 9:6–14). The body of an executed criminal was sometimes impaled or hanged for public display on a tree or wooden post, as a deterrent to warn others of the consequence of their actions. Though it is common to interpret the action as impaling the body on a stake (so JPS *Tanakh*), Tigay has shown that this is probably not what is meant: “According to the Mishnah a gibbet (a pole with a horizontal beam) was erected and the dead man’s hands were bound and slung over the beam, leaving his body suspended” ([1996] 198a). See the account of the execution of the sons of Rizpah who were hanged on a mountain, with their bodies left exposed for “the birds of the air to come upon them by day, or the beasts of the field by night” (2 Sam 21:10).

23 The text restricts the practice of exposing the bodies of executed criminals: “His body shall not remain all night on the gibbet; for you shall surely bury him on that day.” *Antigone*, the classical tragedy by Sophocles (ca. 440 B.C.E.), represents a parallel in the literature of ancient Greece on the seriousness of the curse of being denied a proper burial. The daughter of Oedipus and Jocasta defied her Uncle Creon’s decree and performed the forbidden funeral rites for her dead brother, Polynices, at the cost of her own life. (For Mesopotamian evidence, see Epic of Gilgamesh 12:151–52 [*ANET*, 99a]; Code of Hammurabi §153 [*ANET*, 172b]; Middle Assyrian Laws §53 [*ANET*, 185a]; Prism of Sennacherib ii.37–iii.49 [*ANET*, 288a]; and Annals of Ashurbanipal iv.65–82 [*ANET*, 288b]. On other parallels in the Greco-Roman world, see *Iliad* 23.72–74 and *Aeneid* 6.324–30.) The translation of the phrase “accursed of God” (קללת)

אלהים) has produced comment and speculation through the years. Phillips has rendered it “repudiation of God” (*Ancient Israel’s Criminal Law*, 25–26), and Fox translates it as “an insult to God” (*FBM*, 945). It is better to follow the traditional interpretation “accursed of God,” as read by the apostle Paul (see *Gal* 3:13). Craigie put it well: “The body was not accursed of God because it was hanging on a tree; it was hanging on the tree because it was accursed of God.” Death by execution “was a formal and terminal separation from the community of God’s people. Hence the use of this verse in Paul’s Epistle to the Galatians is very forceful. Christ took upon himself the curse of the law, the penalty of death, thereby redeeming us from the curse of the law.... His separation from the family of God made possible our admission to the family of God, because the curse of the broken law—which would have permanently barred admission—had been removed” ([1976] 285–86).

That the term אלהים alone is used in the laws of Deuteronomy as a reference to God only here and in *25:18* led Sforino to conclude that it does not mean “God” here but rather the “spirit of the dead man that is affronted by the impaled body” (see Tigay [1996] 198). The meaning of the verb <ו>תטמא shifts from “you shall become ceremonially unclean” to “you shall pollute” as the reader/hearer moves on to the words “your soil” (את־אדמתך), which introduce the final clause: “that YHWH your God is giving you as an inheritance.” The statement “you shall not so defile the soil” refers to the fact that a dead body is a source of pollution in terms of ritual uncleanness. Allowing the body to decompose and to be scattered by birds and beasts would spread the impurity.

Explanation

The hanging of persons by the neck until dead was not practiced in ancient Israel, but it was common to display the corpse of an executed criminal upon a post or a tree as a spectacle for all to see, so as to strike terror in others. What is prescribed here is that no matter what time of day bodies were so displayed, they must be taken down at sunset and buried, lest the land itself be defiled. According to the law, touching a dead body was defiling; therefore dead bodies must not be left hanging, because, by this same rule, that would defile the land.

The statement that “accursed by God is a hanged man” (v *23*) is taken up by Paul in reference to the death of Jesus Christ (*Gal* 3:13), who has “redeemed us from the curse of the law, having become a curse for us.” Though Moses used the words in reference to

the ignominious treatment of an executed criminal, he said more than he knew. As Bishop Patrick observed long ago, “this passage is applied to the death of Christ, not only because he bare our sins and was exposed to shame, as these malefactors were that were accursed of God, but because he was in the evening taken down from the accursed tree and buried, (and that by the particular care of the Jews, with an eye to this law, John 19:31) in token that now, the guilt being removed, the law was satisfied, as it was when the malefactor had hanged till sunset; it demanded no more. Then he ceased to be a curse, and those that are his. And as the land of Israel was pure and clean, when the dead body was buried, so the church is washed and cleansed by the complete satisfaction which thus Christ made” (quoted by Matthew Henry, *An Exposition of the Old and New Testament* [1828] 660).

2. Three Laws on “True Religion”—Loving Your Neighbor as Yourself (22:1–5)

Bibliography for 22:1–4

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Translation and Prosodic Analysis

Returning Lost Animals and Other Property [(8:5):(5:8)]

¹ <i>You are not to see your brother's ox /</i>	13	1
<i>or / his sheep / go astray / and hide yourself / from them //</i>	21	5
<i>you shall take them back / to your brother //</i>	15	2_
² <i>And if your brother is not near / you /</i>	18	2
<i>and you do not know him //</i>	7	1
<i>you shall bring it / into the midst of your house /</i>	<u>12</u>	2_
<i>And it is to remain with you / until your brother claims / it /</i>	21	3
<i>and you shall return it \ to him //</i>	10	1
³ <i>and thus you shall do with his ass /</i>	12	1_
<i>And thus you shall do / with his garment /</i>	12	2
<i>and thus you shall do /</i>	6	1
<i>with any lost thing of your brother's /</i>	11	1
<i>That is lost by him / and you find it //</i>	16	2
<i>you are not allowed / to hide yourself //</i> ד	<u>10</u>	2_

Assisting Your Neighbor with Fallen Pack Animals [3:4]

⁴ <i>If you see your brother's ass / or his ox /</i>	19	2
<i>fallen on the road //</i>	8	1
<i>You shall not withhold your help / from them //</i>	9	2
<i>you shall help him / lift them up //</i> ד	11	2_

Not Wearing Clothing of the Opposite Sex [4:3]

⁵ <i>Things pertaining to a man shall not be worn / by a woman /</i>	13	2
<i>and a man shall not wear / a woman's garment //</i>	12	2
<i>For it is an abomination / to YHWH your God /</i>	15	2
<i>anyone doing these things //</i> פ	<u>8</u>	1_

Notes

1.a. The accent here is read as the conj. *mahpāk*. SP adds **או את כל בהמתו**, “or any of his animals.” Prosodic analysis supports MT.

- 2.a. SP adds **מֵעַמְךָ**, “from your people.” Prosodic analysis favors MT.
- 2.b. Reading *tiphā’* as conj. because of misplaced *sillûq*.
- 3.a. The *waw*-conj. is omitted in a few Heb. MSS, SP, Syr., and Vg.
- 4.a. Three Heb. MSS, SP, and Tg.MS add **וְאֵל**.

Form/Structure/Setting

The humanitarian concern introduced by the previous law on the treatment of the corpse of an executed criminal is here extended to living human beings and their lost property or fallen pack animals. The five laws in 22:1–8 may be outlined in a five-part concentric structure:

A Returning your brother’s lost property	<u>22:1–3</u>
B Assisting fallen animals	<u>22:4</u>
X Not wearing clothing of the opposite sex	<u>22:5</u>
B’ Not capturing a mother bird with her young	<u>22:6–7</u>
A’ Building a parapet around the roof of one’s house	<u>22:8</u>

The outer frame in this structure moves from a law on returning a neighbor’s lost property (vv 1–3), to a law regarding one’s own property to protect the welfare of a neighbor by building a protective wall around the edge of the roof of one’s house (v 8). The inner frame here moves from a law expressing concern for the welfare of domestic animals, by assisting a fallen ass or ox (v 4), to a parallel law expressing concern for the welfare of a mother bird in the wild (vv 6–7). In the center we find, once again, an enigmatic law on not wearing the clothing of the opposite sex, which law poses a riddle of sorts (v 5).

The topic of adultery, on which the larger literary unit of 21:10–23:1 is based, is extended to include illicit mixtures in general in a series of four laws, the first of which (22:5) applies to human beings and the other three (22:9–11) to seeds, plow animals, and textiles. Like the law of the insubordinate son (21:18–21), all four of these laws have produced much comment, reflection, and modification in subsequent Jewish tradition.

The boundaries of the three laws on returning lost animals and other items (22:1–3), assisting fallen pack animals (22:4), and not wearing clothing of the opposite sex (22:5) are marked with *sētûmā’* layout markers after 21:23 and 22:3 and 4 and the *pētûhā’* layout marker after 22:5. On the basis of content, 22:1–4 may be outlined as follows:

A If your brother’s ox or sheep goes astray, lend him your help	<u>22:1</u>
B If the owner is not known, take care of it as your own	<u>22:2abc</u>
X When your brother claims it, give it back to him	

B' Do the same for his ass, garment, or any lost thing	<u>22:2d</u>
	<u>22:3</u>
A' If your brother's ass or ox falls in the way, help him	<u>22:4</u>

The outer frame presents two parallel situations of need: an ox or sheep of one's neighbor that has strayed (v 1), and an ass or an ox that has fallen under its load (v 4). In both instances the person is commanded to come to his neighbor's aid. The inner frame extends the situation into more complex situations: where the owner is not known, the person is to take care of the animal until it is claimed (v 2); and the principle extends to other animals, even clothing, or anything that is lost (v 3). When such lost items are claimed by the rightful owner, they are to be returned (v 2d).

In *BHS* and *BHK* the boundary separating the brief law on assisting a brother with fallen pack animals (v 4) from the law forbidding the wearing of clothing of the opposite sex (v 5) is a bit misleading. L has a major indentation at the beginning of v 4, much the same as for 21:22; 22:1, 9, 11, and 12; but there is no major break at the end of the verse. Here the situation is similar to that of 22:8, 10, and 13, with a break in the middle of the line. There is a difference, however, in that the upper tail of the *lamed* in the next line fills up most of the blank space such that at first glance there appears to be no major break indicated at all. According to Tigay, SP indicates a significant break between vv 5 and 6, but not between vv 4 and 5 ([1996] 383 n. 1).

The manner in which the text is laid out in L suggests that vv 4 and 5 are to be connected as a literary unit in two parts. Such a reading lends support to the suggestion by Carmichael (*LNB*, 160–64), who interprets both laws within the context of the wars in Transjordan in which the tribes of Reuben and Gad received their tribal allotment in the days of Moses. He suggests that the Hebrew phrase כלי-גבר is a “type of deliberate confusion in the context of war.” For him, “a transvestite ruse constitutes an example of secret sinning in this context of avoiding military service and would, in the words of the law, be properly described as ‘an abomination to Yahweh’ ” (*LNB*, 162). Moses is thus warning the Reubenites and Gadites that they should not seek to avoid their obligation by the men disguising themselves in women's clothing, so as to remain behind, nor should the women choose to accompany their husbands by taking up the military paraphernalia of men.

The laws of returning lost animals and assisting fallen ones (Deut 22:1–4) have their narrative analogue in the cattle of the Reubenites and the Gadites in Carmichael's reading (*LNB*, 155–59). As Carmichael put it, the tradition in Num 32 brings out “the need for brother Israelites to help one another out, to reciprocate so that a brother's inheritance is made secure. The Reubenites and Gadites did go to help out their fellow Israelites, and hence it was reasonable to imagine how Moses could have raised the question as to when a reciprocal service might be rendered to them in the future. In that they possessed many animals their brothers could help in protecting them” (*LNB*, 158).

Labuschagne's study of the use of the divine-name numbers in 22:1–5 lends support to the two-part structure that emerged in the prosodic analysis:

Words:	before 'atnāḥ	+	after 'atnā ḥ	=	
<u>22:1–3</u>	33	+	18	=	51 (= 3 × 17)
<u>22:4–5</u>	22	+	10	=	32

The divine-name number 17 is intensified in the first subsection, with its total word count of 51 (= 3 × 17). The 32 words in the second subsection signify the “glory” of YHWH, since this is the numerical value of the word כבוד, “glory.”

Comment

1 The reference to “your brother,” which appears five times in vv 1–4, emphasizes kinship with the person in need in the broadest sense of being a fellow Israelite. In the parallel passage of Exod 23:4–5, one must help even one’s enemy in such circumstances. The command not to “hide yourself from them” (והתעלמת מהם) refers to open and active help in circumstances of a neighbor in need. Quiescence is expressly forbidden. Craigie translated the verb התעלם as “take no notice,” arguing that it demonstrates “the spirit of the Hebrew law. Unlike Babylonian law, it is not concerned primarily with a criminal act ... rather it deals with shouldering responsibility as a member of the covenant community” ([1976] 287).

2–3 Even if the owner is unknown—“you do not know him”—the responsibility stands. The finder is to bring the animal to his own home and keep it there, provide for it as if it were his own, “until your brother claims it.” The list of what is included in this law is inclusive: livestock (ox and sheep), major beast of burden (ass), clothing, and “any (other) lost thing of your brother’s.” On the statement “you are not allowed to hide yourself,” see the discussion in v 1. To fulfill the demands of the law here “requires an inner attitude which makes such activity cheerfully possible” (G. E. Wright, *IB2*:464).

4 The “ass” (חמור) and the “ox” (שור) were common beasts of burden, which on occasion collapsed under their load and lay there “fallen in the road” (cf. Exod 23:5).

5 The law on transvestism (22:5) is brief and enigmatic. Some scholars have noted that here the term כלי-גבר, “things pertaining to a man,” could just as well be translated as the “gear of a warrior.” As K.-M. Beyse has noted (*TDOT* 7:173), the term כלי in reference to clothing occurs only in legal texts, but the sole text he cites without qualification to demonstrate its use in this manner is Deut 22:5, and then only on the basis of the fact that the verse includes a parallel line that forbids men to wear female clothing (שמלת אשה). The use of the word in 1:41 in the phrase כלי

מלהמתו, “his weapons of war,” is illustrative, for the word גבר always “contains the element of strength, especially in a general sense” (H. Kosmala, *TDOT* 2:377). The use of the term in the Song of Deborah (Judg 5:30), where the RSV reads, “a maiden [womb] or two for every man [גבר],” represents the coarse language of soldiers according to *HAL*. Though such actions are described as “an abomination to YHWH,” it is not clear what the reasons for this law were. Römer has collected interesting examples of transvestism and related matters from Mesopotamian sources (*FS M. A. Beek*, 217–22). For references to transvestism in the Greco-Roman period, see Driver ([1895] 250). Craigie presents an interesting quotation that merits repetition: “Again, in some religions, it has been the custom for priests to assume a quasi-female or even completely female garb, and ... this usually occurred when the deity was a goddess rather than a

god” (Craigie [1976] 288 n. 5, citing C. Allen, *A Textbook of Psychosexual Disorders* [London: Oxford UP, 1962] 243).

Explanation

Though the original meaning of the term “brother” in the law of returning lost animals (22:1–3) and assisting fallen ones (22:4) referred to fellow Israelites, it applies to any human being in need, as Jesus demonstrated in his definition of the term “neighbor” in the parable of the good Samaritan (Luke 10:29–37). The law here is essentially that of the Golden Rule to do to others what we would have them do to us. Moreover, we ought not to let trouble and expense prevent us from doing a kind action to a neighbor in need; nor are we permitted to retain lost property we have found when there is a possibility of finding the rightful owner.

If a merciful person is to assist another’s lost or fallen beast of burden, how much more should we hasten to the relief of a neighbor who has fallen into distress or poverty? The dangerous days in which we live have caused some to ignore the needs of those we meet. Stories of those who have been victimized by stopping to help others enable us to rationalize why it is wiser not to get involved, and so we pass on by—as did the priest and the Levite in Jesus’ story of the good Samaritan. We do well to remember that our neighbor is anyone in true need, whether friend or foe.

The law in 22:5 has been the source of considerable debate and difference of opinion in both Jewish and Christian circles. At first glance it appears to forbid the practice of transvestism, a form of sexual behavior characterized by wearing clothing appropriate to the opposite sex. The law is without parallel in the Torah, and the Hebrew words translated “things pertaining to a man” (כלי גבר) do not refer specifically to male clothing, but to ornaments, weapons, and other items as well.

Craigie has called attention to two possibilities, either of which might help to explain the remark that the behavior in question is an abomination to YHWH. “First, transvestism tends to be associated with certain forms of homosexuality; second, in the ancient world, it is probable that transvestite practices were associated with the cults of certain deities” ([1976] 288). In either case transvestism would be “an abomination to YHWH your God” (cf. Lev 18:22; 20:13 and Deut 7:25; 18:12).

But we have no certainty as to what lay behind this particular law. The folly in taking a hard stand on a surface reading of the text is well illustrated in older commentaries, such as that of Thomas Scott: “Let stage-players and others of similar occupations well consider, (among many other and great evils connected with their line of life,) how they will answer to God, for their continual violation of this express commandment.... and let young people remember that this change of apparel is not to be considered as a frolic, but as an act of rebellion against God” (*Holy Bible* [1823] 1:540). In this regard, the portrayal of Mrs. Doubtfire by Robin Williams in the movie of that name or Tootsie by Dustin Hoffman would be considered a glaring abomination to YHWH.

However one chooses to interpret the specific meaning of this prohibition against wearing clothing of the opposite sex, it is difficult to make a case against transvestism in matters of detail on the basis of this one isolated text, the purpose of which within the culture of ancient Israel remains enigmatic.

3. Not Capturing a Mother Bird along with Her Young (22:6–7)

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Translation and Prosodic Analysis

Not Capturing a Mother Bird along with Her Young [(6:4):(4:6)]

⁶ When you chance upon a bird’s nest / before you /	17	2
in the way / in any tree /	7	2
or on the ground / with fledglings \ or eggs /	19	2_
And the mother is sitting / on the fledglings /	17	2
or / on the eggs //	8	2_
You shall not take away the mother / with the young ones //	14	2
⁷ you shall surely release / the mother /	12	2
And the young ones / you may take for yourself //	11	2
that / it may go well with you /	8	2
and you may prolong / your days // ׀	9	2_

Notes

6.a. Reading *pašṭā*’ followed by *zāqēp qāṭôn* as conj.

Form/Structure/Setting

As noted above in the discussion of 21:22–22:4, the laws on not capturing a mother bird with her young (22:6–7) and building a parapet around the roof of one’s house (22:8) are part of a series of six laws that are placed under the general topic of what I have called “true religion.” They stand at the structural center of the larger literary unit of 21:10–23:1.

The law on sparing a mother bird extends the principle of humanitarian concern beyond that of domestic animals that are the property of human beings to animal life in general. God’s people are commanded to carry the principle of protecting and providing for the poor and vulnerable in need even to insignificant animals that are part of the normal food supply. In the law of the parapet (22:8) the focus returns to the human sphere, where the concern is to prevent a person from having a fatal accident.

The law of the mother bird (22:6–7) is often compared to the laws of Lev 22:27–28, “When a bull or sheep or goat is born, it shall remain seven days with its mother.... And whether the mother is a cow or a ewe, you shall not kill both her and her young in one day.” It is argued that the reverence for the parent-child relationship is extended to animals. The same motive is often used to explain the prohibition of boiling a kid in its mother’s milk (14:21). It should be noted, however, that the law of the mother bird is in the center of a concentric structure and that the rule of the “riddle at the middle” applies to its interpretation.

The boundaries of the law of the mother bird (22:6–7) are marked with the *sētûmā*’ layout markers at the beginning and the end. At the same time, it should be noted that L appears to make a structural connection between vv 7 and 8. Though the prosodic analysis presented above scans vv 6–7 as a 6:4:4:6 prosodic unit, in terms of syntactic accentual stress units, it is also possible to read vv 6–8 as a 7:6:6:7 rhythmic unit in which the *zāqēp qātôn*, which was read as a conjunctive accent in v 6, is read as disjunctive. Moreover, such a reading corresponds exactly with the versification in *BHS*:

⁶ When you chance upon a bird’s nest / before you / in the way /	20	3
in any tree / or on the ground / with fledglings /	17	3
or eggs /	6	1_
And the mother is sitting / on the fledglings / or / the eggs //	25	4
you shall not take the mother / with the young ones //	<u>14</u>	2_
⁷ You shall surely release / the mother /	12	2
and the young ones \ you may take for yourself //	11	1
that / it may go well with you / and you may live long //	18	3_
⁸ When you build / a new house /	10	2
you shall make a parapet / for your roof //	13	2
that you do not bring bloodguilt / on your house /	16	2
if anyone should fall from it //	<u>14</u>	1_

This particular prosodic analysis suggests that the two very different laws in vv 6–7 and 8 belong together to form a single literary unit, at least in one particular reading. At the same time, it should be noted that v 8 is also closely tied to v 9 and the following section on illicit mixtures. In other words, v 8 forms a rhythmic bridge connecting vv 6–7 with 9–12.

The relationship of vv 6–7 to v 8 may be outlined within a concentric structure that extends from v 5 through v 11:

A Illicit mixtures: transvestism

22:5

B If you find a bird’s nest, release the mother and keep the young

- 22:6–7a
- X That it may go well with you and you may prolong your life
- 22:7b
- B' When you build a new house, make a parapet for the roof
- 22:8
- A' Three laws on illicit mixtures: seed, plow animals, and textiles
- 22:9–11

A brief quotation taken from the fifth commandment to honor one's parents (5:16) stands at the center of this structure. The inner frame presents two parallel actions that will serve to achieve the blessing in the center. On the one hand, we find the release of the mother bird (vv 6–7); and on the other we find the building of the parapet around the edge of the roof of one's house (v 8). Both acts are humanitarian in nature: one toward the animal world, and the other toward human beings. The outer frame moves from the first law of illicit mixtures, which pertains to human beings (v 5), to a set of three laws on illicit mixtures, which concern the nonhuman world (vv 9–11).

Carmichael argues that the conventional interpretations of the law on sparing the mother bird leave many questions unanswered. “The law is manifestly interested in the question of what to kill and what not to kill; in particular, the view is that killing in a selective way means that an important life is preserved” (*LNB*, 166).

A close reading of the language of the law itself has led Carmichael to an interesting series of texts to explain the meaning of this law. The niph'al use of the verb קרא at the outset appears elsewhere of hostile encounters, as D. Daube has shown (*Suddenness and Awe in Scripture* [London: Robert Waley Cohen Memorial Lecture, Council of Christians and Jews, 1963] 6–10). For instance, when Absalom “met” (וַיִּקְרָא) the servants of David (2 Sam 18:9), violence was anticipated.

The mention of “the mother with the children” has parallels in two other contexts that involve violent confrontation. In the story of Jacob's return to the land of Canaan, just before his encounter with Esau and his four hundred men, Jacob's prayer for deliverance includes these words in Gen 32:12(Eng. 32:11): “for I am afraid of him; he may come and kill us all, the mothers with the children [אם על-הבנים]” (NRSV). See also Hos 10:14. The same image appears in Greek literature, as Carmichael has observed (*LNB*, 167 n. 6; Apollodorus, *Epitome* 3.15; Homer, *Iliad* 2.299–330).

The most instructive parallel discussed by Carmichael is found in two stories of David in which cities are compared to a mother, and its inhabitants to her children, where the central issue is the question of whom to kill and whom not to kill (see also D. M. Gunn, *The Story of King David, JSOTSup* 6 [Sheffield: Sheffield UP, 1978] 39–40). In the story of Sheba's rebellion (2 Sam 20:1–22), the wise woman of Abel of Bethmaacah makes a curious reference to “a city that is a mother in Israel” (v 19 NRSV). Sheba had taken refuge within that city and Joab had come to get him. The woman's response to Joab's request that Sheba alone be given over to him was forthright: “His head shall be thrown over the wall to you” (v 21 NRSV). The second incident involves another wise woman, Abigail, the wife of Nabal (1 Sam 25). David's intended attack on Nabal's household was primarily to obtain food, which Abigail supplied to forestall bloodshed. For Carmichael, “Such a desirable consequence is the aim of the law on the bird's nest, just as it is for the following law about blood on a new house” (*LNB*, 173).

It would appear that those who composed the stories of David made use of the law of the sparing of the mother bird as a structuring motif. The law on the treatment of the

body of an executed criminal (Deut 21:22–23) was used to structure the movement of the narrative from the conquest of Ai to the renewal of the covenant at Shechem. But when David gave up the seven sons of Saul to the Gibeonites, the law was violated and consequently the land was defiled. In short, the law on not capturing a mother bird with her young was used to structure the account of David’s military activity.

According to Carmichael (*LNB*, 176–80), the law of the parapet is connected with the narrative of the transition from the kingdom of David to that of his son Solomon. When David was on his deathbed, he ordered his son Solomon to execute Joab for the murder of Amasa (1 Kgs 2:5–6) and of Shimei for cursing David at the time of Abasalom’s rebellion (1 Kgs 2:8–9). The death of Joab was justified on the grounds that he had murdered Abner and Amasa, “retaliating in time of peace for blood that had been shed in war, and putting the blood of war on the belt around his waist, and on the sandals on his feet” (1 Kgs 2:5 NRSV). The law requiring an Israelite to build a parapet on the roof of his new house in the new land was used to shape the story of David and Solomon. The blood shed by Joab “remained a problem for David’s house (in a symbolic sense), and [its] removal was vital for the establishment of Solomon’s house (both symbolic and actual)” (*LNB*, 180).

The law of the bird’s nest with its interest in “mother with children” was used to shape the traditions relating to David and the establishment of his dynasty; whereas the law on the new house was used to shape the tradition about the succession of Solomon and the building of his new house. The purpose of the parapet was “that you may not bring the guilt of blood upon your house” (Deut 22:8). Solomon justified the execution of Joab with these words: “and thus take away from me and from my father’s house the guilt for the blood which Joab shed without cause” (1 Kgs 2:31).

The evidence from Labuschagne’s “logotechnische analyse” for 22:6–7 is as follows:

Words:	before <i>’atnāḥ</i>		after <i>’atnāḥ</i>		
			<i>ḥ</i>		
<u>22:6</u>	21	+	5	=	26
<u>22:6–7</u>	29	+	10	=	39

There are 26 words in v 6. Moreover, the total of 39 words in vv 6–7 is divided into 26 words in main clauses and 13 words in subordinate clauses. Once again, the divine-name number 26 is carefully woven into the fabric of the Hebrew text.

Comment

6–7 The term “fledglings” (**אפרחים**) appears also in Job 39:30 (of fledgling birds of prey) and Ps 84:4 (Eng. 3) (of the young of a sparrow and a swallow). The phrase “the mother with the young ones” (**האם על-בנים**) is also used in contexts of war (Hos 10:14) and of Jacob’s fear of what Esau might do to his family on his return to the land of Canaan (Gen 32:12 [11]). It appears to have been a common expression for wanton killing. The expression “you shall surely release [**שלח תשלח**] the mother” has been interpreted as meaning either “release” or “chase away,” so that the mother would not see her young taken away (Maimonides, *Guide* 3.48; citation from Tigay [1996] 383 n. 17). The clause “that it may go well with you and you may prolong your life” appears

earlier in the conclusion of the fifth commandment to honor one's parents (Deut 5:16), but in reverse order. "Inversion of clauses often indicates an intentional allusion to earlier passages in biblical literature. This allusion calls attention to the fact that the present command is likewise an aspect of respecting a parent" (Tigay [1996] 201). In his expression, "exchanging a long-term profit for an immediate gain," Craigie ([1976]289) used language from the commercial world to say what some of the Jewish sages noted in times past. To kill the mother removes a capital asset, a future means of supplying more food.

Explanation

The law fosters reverence for the parent-child relationship even among the animals. As Matthew Henry put it, "The remembrance of this may, perhaps, some time or other, keep us from doing a hard or unkind thing to those whom we have at our mercy" (*An Exposition of the Old and New Testament* [1828] 661).

An entirely different kind of meaning is found in this law when interpreted along the lines that Carmichael has proposed: killing in a selective way means that an important life is preserved. When the high priest Caiaphas said "it is better for you to have one man die for the people than to have the whole nation destroyed" (John 11:50 NRSV), he spoke to the same issue. According to the Gospel account, Jesus died that we might live.

4. Five Laws on "True Religion" and Illicit Mixtures (22:8–12)

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Translation and Prosodic Analysis

Building a Parapet on the Roof of One's House [5]

⁸ <i>When you build \ a new house /</i>	10	1
<i>you shall make a parapet \ for your roof //</i>	13	1
<i>that you do not bring bloodguilt / on your house /</i>	16	2
<i>if anyone should fall from it // ם</i>	14	1_

Not Sowing Mixed Seed in Your Vineyard [6]

⁹ <i>You shall not sow your vineyard / with a second kind of seed //</i>	12	2
<i>lest you forfeit as holy/</i>	3	1
<i>the crop from the seed \ you have sown /</i>	14	1
<i>and the produce / of the vineyard // ם</i>	<u>10</u>	2_

Not Mixing the Ox and the Ass as Plow Animals [2]

¹⁰ <i>You shall not plow with an ox and an ass / together // ם</i>	18	2
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Not Mixing Wool and Linen in Clothing [4]

¹¹ <i>You shall not put on / the finery of a prostitute /</i>	8	2
<i>wool and linen / woven together // ם</i>	10	2_

True Religion: Wearing Tassels on Garments [5]

¹² <i>Tassels / you shall make for yourselves //</i>	10	2
<i>at the four / corners of your cloak /</i>	10	2
<i>with which you cover yourself // ם</i>	<u>7</u>	1_

Notes

8.a. Reading *pašṭā* ' followed by *zāqēp qāṭôn* as conj.

8.b. Reading *ṭiphā* ' as conj. because of misplaced 'atnāḥ.

9.a-a. SP reads **תקדיש** for MT **תקדש**, “you shall forfeit as holy,” with no change in meaning.

9.b. Reading *pašṭā* ' followed by *zāqēp qāṭôn* as conj.

10.a. SP reads **תחריש** for MT **תחרש**, “you shall plow,” with no change in meaning.

12.a. Syr. appears to be reading תתכסה, “you shall cover yourself,” for MT תכסה, “you shall cover.”

Form/Structure/Setting

The five laws in this section include three on forbidden combinations of seed, plow animals, and the mixing of wool and linen in woven textiles (the finery of a prostitute), which, together with the law on transvestism (22:5), complete the list of four laws on illicit mixtures. The three laws here are framed by two transitional ones, from a literary point of view, which fall under the general category of what I have called “true religion” (on humanitarian issues): the law on building a parapet around the roof of one’s house (22:8) and the law requiring tassels on garments (22:12). The first two laws are tied together in a balanced rhythmic structure, as are the last three. Moreover, the last two are also connected in terms of content, moving from the prohibition of combining wool and linen in the same woven fabric (v 11) to the law requiring tassels, which are made by combining these very materials (v 12).

The laws in 22:8–12 are divided into five parts with *šetūmā*’ layout markers after each verse. On the basis of prosodic analysis it becomes clear that the five laws are in a single prosodic structure that scans 5:6:6:5 in terms of syntactic accentual stress units.

From a prosodic point of view, the law on building a parapet on the roof of one’s house (22:8) appears to function as a rhythmic bridge connected with both vv 6–7 on the release of the mother bird, and with v 9 on sowing two kinds of seed in one’s vineyard. The structural tie between v 8 and vv 9–12 may be shown in the following outline, which should be compared with the one in the previous section of this commentary for vv 5–11:

A Build a parapet on the roof of your house	<u>22:8</u>
B Do not sow your vineyard with two kinds of seeds	<u>22:9</u>
X Do not plow with an ox and an ass together	<u>22:10</u>
B’ Do not wear cloth of wool and linen woven together	<u>22:11</u>
A’ Make tassels at the four corners of your cloak	<u>22:12</u>

The focus of attention in this reading is on the law that forbids plowing with the ox and the ass together (v 10), which is also the shortest of the five laws. That this verse does not have an *’atnāh* to divide it in two parts suggests that vv 10 and 11 constitute a single verset in terms of the rhythmic structure of 22:8–12 as a whole. The inner frame moves from the law forbidding the sowing of two kinds of seed in one’s vineyard (v 9) to the law on not mixing wool and linen in clothing (v 11). The outer frame moves from the injunction to build a parapet on the roof of one’s house (v 8) to that of wearing tassels on garments (v 12). The outer frame is expressed in positive terms, stating what a person is to do; whereas the three laws inside this frame are expressed negatively, stating what is forbidden so far as “mixtures” are concerned. The whole of this literary unit is permeated with enigma so far as actual meaning is concerned.

The placing of the law against plowing with the ox and the ass together in the center of this structure serves to tie the entire structural unit of vv 9–12 to the law about returning lost animals (vv 1–4), which also mentions the ox and the ass. The structure of the whole section of nine domestic laws in 22:1–12 may be outlined in concentric fashion:

A Returning lost animals and raising fallen ones (ox and ass)	<u>22:1–4</u>
B Illicit mixtures: wearing clothing of the opposite sex	<u>22:5</u>
X Humanitarian concern: mother bird with her young and parapet	<u>22:6–8</u>
B' Illicit mixtures: seeds, plowing with ox and ass, textiles	<u>22:9–11</u>
A' Put tassels on the corners of your cloak	<u>22:12</u>

The inner frame in this structure continues the focus on laws associated with the seventh commandment prohibiting adultery, in the law on transvestism (v 5), which is set over against three other laws on forbidden combinations: mixed seed (v 9), plowing with an ox and an ass together (v 10), and mixing wool and linen in the same woven fabric (v 11). The outer frame, with its focus on humanitarian concerns, moves from two laws on the treatment of lost and fallen animals (vv 1–4) to the curious law prescribing tassels on garments (v 12).

The phrase “the mother with her children” (האם על־הבנים) in the law of the bird’s nest (22:6–7) took Carmichael from the story of Jacob in Gen 32 to two stories of David (1 Sam 25 [Abigail] and 2 Sam 20 [the wise woman of Abel of Bethmaacah]; *LNB*, 165–76). The law of the parapet (22:8) carried the story to the execution of Joab in the beginning of Solomon’s reign (1 Kgs 2; *LNB*, 176–80). The law of the mixing of seed (22:9) takes him from Solomon back to the stories of Judah and his sons in Genesis (*LNB*, 185–93). Solomon belonged to the tribe of Judah, and his son Rehoboam was king of Judah, not of the Northern Kingdom (Israel). Thus the focus shifts back to Solomon’s ancestor Judah and a series of stories in Genesis. The mention of only one son of Solomon parallels the plight of Judah, after the death of Er and Onan, both of whom were slain by YHWH (Gen 38:7–10). As Carmichael has noted, both Solomon and Judah produced children of mixed seed (*LNB*, 182). It is interesting to note that Solomon and Judah are juxtaposed for genealogical purposes in 1 Chr 3:10–4:1.

The three laws that follow on sowing mixed seed in a vineyard (v 9), plowing with an ox and ass together (v 10), and mixing wool and linen in the same fabric are all in the form of proverbs, expanded in story form in the narrative literature of the Pentateuch and the Former Prophets (Carmichael, *LNB*, 185–97). “By way of illuminating events in the human world, proverbs often refer to activity in the plant and animal one” (*LNB*, 183–84), as is the case here in the laws of illicit mixtures.

If the law prohibiting the sowing of “a second kind of seed” (בְּלֵאָיִם) in a vineyard is taken literally, it raises puzzling questions. Indeed, as Carmichael has noted, there is evidence “that it might have been the normal, and one might add the sensible, thing to do” (*LNB*, 187). The use of the dual form, בְּלֵאָיִם, rather than the plural, raises questions, as does the simple fact that a vineyard presupposes grapevines. If the

vineyard is not a new one, then it might be possible to interpret the text as referring to two other kinds of seed; but the second half of the verse makes specific reference to “the crop from the seed you have sown and the produce of the vineyard.” Israel, which is Jacob’s family in the widest sense, is God’s vineyard (see Ps 80:9,15 [Eng. 8, 14]; Isa 5:2; Jer 2:21, 6:9; Hos 10:1; and elsewhere).

The story of Judah having sons through his daughter-in-law Tamar in Gen 38 is structured in terms of the law on sowing mixed seed. The vine here is interpreted as Jacob/Israel, who indeed was a fruitful vine with twelve sons. The situation with his son Judah, however, was not the same. The two elder of Judah’s three sons, Er and Onan, died in their attempt to continue the family line through Tamar. When Jacob, on his deathbed, referred to Judah’s binding first one and then another ass to the vine (Gen 49:11), he was alluding to the story of Er and Onan. Jacob continued: “he washes his garments in wine and his vesture in the blood of grapes.” This is a symbolic act, as Carmichael has shown: “The reference to Judah’s washing it [the man’s garment—i.e., his wife] by treading upon it in the juice of the grapes alludes not just to the deaths of Er and Onan in association with the Israelite vine, but to their origin from Judah’s union with the daughter of Shuah. They constituted a branch of his father’s vine. To wash one’s garment in the juice of grapes is to acknowledge that the ‘grapes’ produced by one’s wife have perished” (*LNB*, 189).

When Judah would not give Shelah to Tamar, so as to perform the levirate duty, she took matters into her own hand and seduced Judah, her father-in-law, by whom she bore twins: Perez and Zerah. These two constitute the “mixed seed” (כלאים), thus the dual form—in reference to Er and Onan, on the one hand, and to Perez and Zerah, on the other.

The ambiguity about the relationship between the double seed and the vine is clarified by the story. Er and Onan constituted the half-Israelite vine. When Judah had them give of their seed to the Israelite vineyard (the line of Abraham, Isaac, Jacob, and Judah) through union with Tamar, neither the seed that was sown nor the existing vine produced anything. The vineyard itself, however, continued to exist because Judah himself sowed the seed in Tamar that produced the surviving “mixed seed” (כלאים) in the twins that were born of that union. “It is just possible that the breach birth that Tamar eventually experienced, and that was intended to be remembered in the name Perez, signified either to the narrator of the story, or to later thinkers, the precarious nature of the union between Judah, who would be regarded as pure vine, and Tamar, the palm tree” (Carmichael, *LNB*, 192).

The law on plowing with an ox and an ass (v 10) carries the proverbial motif further. “The plowing and cultivation of a field is a natural figure for sexual intercourse” (M. Pope, *Song of Songs*, AB 7C [Garden City, NY: Doubleday, 1977] 323). The ass refers to the Canaanite aspect, and the ox to the Israelite. In the story of the action taken by Simeon and Levi to the so-called rape of Dinah on the part of Shechem, the imagery of the ox and the ass becomes explicit: Jacob complains that “in their anger they slay men, and in their wantonness they hamstring oxen” (Gen 49:6). The man killed is Hamor (“ass”), and the parallel reference to the ox that still lives but is hamstrung is Jacob’s family, as presented in the story of Gen 34. On the imagery of the ox in relation to Israel see Deut 33:17; Num 22:4; 1 Kgs 22:11; Amos 6:12–13.

From a prosodic point of view, v 12 belongs with vv 8–11 as the final part of a rhythmic unit that is scanned 5:6:6:5 in terms of syntactic accentual stress units. It should be noted that vv 10–12 are symmetrically balanced in terms of mora count: 26 + 10 + 27; and that the clause in the center of this structure, “wool and linen woven

together,” functions as a rhythmic bridge connecting the two versets. It is the key to interpreting the meaning as well.

The requirement of tassels on garments is discussed in Num 15:37–41, where they are called “fringes” (צִיצִית). In traditional Jewish interpretation, they are understood to be reminders to keep all of God’s commandments so as to be a holy people. According to Num 15:38, a blue cord is to be tied “on the fringe at each corner.” Tigay notes that “according to early rabbinic sources, the blue cord is made of wool while the other cords are linen. In other words, the tassels are made of *sha.atnez*, the combination of fabrics forbidden in verse 11. This interpretation most likely stems from biblical times, since it is highly unlikely that the rabbis would have initiated a practice contradicting a biblical prohibition” (Tigay [1996] 203).

Once again, a look beneath the surface of the text to its symbolic meaning within the context of the stories in Genesis is instructive, as Carmichael has shown (*LNB*, 198–205). The law is to be understood figuratively in relation to the story of Judah and Tamar in Gen 38. Judah faced a major problem in perpetuating his line through his half-Israelite, half-Canaanite sons (the “mixed seed” of v 9); and his own marriage to a Canaanite woman is essentially the “plowing of an ox and an ass together,” which is an extension of the earlier problem of intermarriage between his father Jacob’s family and that of Hamor (the “ass”). The focus now shifts to Judah’s intercourse with his daughter-in-law Tamar, who was disguised as an attractively dressed prostitute at Enaim that Judah encountered on his way to a sheep-shearing festival.

Numerous commentators have noted the problems in a literal interpretation of the law here. Priestly garments such as the girdle, robe, breastpiece, and ephod all call for mixing wool and linen. Only the priestly turban, breeches, and coat were to be made of linen alone (L. Bellinger, “Cloth,” *IDB1*:654). Moreover, in its present context the law about tassels on garments follows laws concerning the sexual activity of Judah’s sons Simeon and Levi and Jacob’s daughter Dinah (vv 9–11) and is followed by a series of laws dealing with marital and sexual misconduct (vv 13–29) within a larger unit that is essentially a “commentary” on the seventh commandment prohibiting adultery (21:10–23:1 [Eng. 22:30]). The law of tassels on garments in 22:12 forms an inclusion with the law of levirate marriage in 25:5–10, which reflects the story of Tamar’s problem in Gen 38.

The first thing to note in the story of Judah and Tamar is the emphasis on her clothing. She put off her “widow’s garments” (בגדי אלמנותה) and dressed herself as a prostitute, presumably garments made of linen because of its luxurious quality. She used her clothing to conceal her identity and to attract Judah, who was on his way to gather his annual supply of wool. The sexual union was a violation of the law, an illicit mixture (Carmichael, *LNB*, 199).

Clothes have symbolic meaning in the Bible. To spread a garment over a woman to cover her nakedness refers to sexual union and symbolizes spiritual union, as the prophet Ezekiel expressed vividly in describing the relationship between God and his faithless bride: “I spread the edge of my cloak over you, and covered your nakedness.... I clothed you with embroidered cloth and with sandals of fine leather; I bound you in fine linen and covered you with rich fabric.... You took some of your garments, and made for yourself colorful shrines, and on them played the whore” (Ezek 16:8–16NRSV). In describing the marriage relationship, the man is portrayed as putting on the woman as his new garment in an action that will cover his own nakedness. See the words of Ruth to Boaz in Ruth 3:10. “She is suggesting that she will become his new garment, that is, his wife, just as her action of uncovering his feet and lying at them

conveys the similar sexual suggestion of becoming his new ‘shoes’ to be put on his genital ‘feet’ ” (Carmichael, *LNB*, 198; see also idem, *ZAW* 92 [1980] 248–66).

The interpretation of the three laws on illicit mixtures in vv 9–11 provides the occasion for a fresh look at the earlier fourth such law on not wearing clothing of the opposite sex (v 5). “The transvestite law prohibits a man’s disguising himself in a woman’s clothing.... Tamar’s disguise and Judah’s subsequent intercourse with her combine to suggest the notion of Judah’s covering himself with her ‘clothing.’ This idea is also suggested by the fact that Tamar would not have removed her clothes when giving herself to Judah. It is also interesting to observe that from Tamar’s side she required a male of Judah’s family to ‘spread his skirt’ over her because she had a legitimate claim to it” (Carmichael, *LNB*, 202). The law of v 5 has to do with the story of Judah and Tamar in Gen 38, more even than it does to the shaping of the tradition about the tribes of Reuben and Gad as noted above in the discussion of 12:5.

Carmichael notes that clothing continues to be a dominant motif as the reader moves on from the story of Judah and Tamar (Gen 38) to the story of Joseph and his brothers (Gen 39–50). Joseph’s special coat, a symbol of his father Jacob’s favoritism, was eventually stripped from him, dipped in blood, and used as evidence of his death. Joseph was not dead, however, and a garment again becomes a central motif in the story of Joseph and Potiphar’s wife. Unlike his brother Judah, Joseph resisted sexual temptation; but his garment was used as evidence against him. Potiphar’s wife used that garment to send Joseph to prison for twelve years, in spite of his innocence. He was condemned because a woman possessed his garment. Carmichael has argued that “the tassels are to be put upon an Israelite’s garment precisely for this purpose, to remind him that like Joseph he should be virtuous in matters of sexual morality, that he ‘should not follow after his heart and eyes to commit fornication,’ as Judah did in possessing the *ša·atnēz* Tamar” (*LNB*, 208). He also calls our attention to the interesting story in b. Men. 44a of the disciple who was about to have intercourse with a prostitute but was stopped by the tassels on his garment, which miraculously struck him in the face. The prostitute was so impressed she became a proselyte and married him (*LNB*, 208 n. 2).

An interesting parallel expression that serves to connect the law on the tassels (22:12) and the contrasting stories of Judah and Joseph in matters of sexual desire was noted by Carmichael in the story of Abraham passing his wife off as his sister to Abimelech, king of Gerar, in Gen 20. Though Abimelech rightly avowed his innocence of any sexual impropriety, he did pay Abraham a substantial amount of money as “a covering of the eyes” (כסות עינים) in Gen 38:15. The term כסות is the word used here for “garment,” and the term for “eyes” (עינים) is also the name of the town (Enaim) where Tamar seduced Judah (38:14). Further evidence that the language of Gen 38 was influenced by the law on tassels is that the expression “to cover oneself with” (the piel of כסה with the prep. ב) is found only in Gen 38:14 and Deut 22:12 (with the possible exception of Jonah 3:6).

Labuschagne’s study of the use of the divine-name numbers in 22:8–12 and its immediate context may be summarized as follows:

Words:	before 'atnāḥ	after 'atnāḥ
<u>22:8–12</u>	54	+ 34 (= 2 × 17) = 88

<u>22:9–10</u>	9		+	8	=	17	
<u>22:9–11</u>	15		+	8	=	23	
<u>22:7–11</u>	30		+	21	=	51	(= 3 × 17)
<u>21:22–</u> <u>22:12</u>	130	(= 5 × 26)		+	75	=	205
<u>22:1–12</u>	109		+	61	=	170	(= 10 × 17)

Labuschagne has also shown that the 170 (= 10 × 17) words in 22:1–12 are divided into 102 (= 6 × 17) words in main clauses and 68 (= 4 × 17) words in subordinate clauses. The numerical composition gives important insight into the literary structure, as perceived by the scribes (“counters”) in ancient Israel. The whole of 21:22–22:12 is a literary unit, as I have found on independent grounds through the prosodic analysis presented here. In the outline of Deuteronomy in the Introduction, I have called this unit “Ten Laws on ‘True Religion’ and Illicit Mixtures.” Within this structure, 22:1–12 is also a literary unit, as the chapter division in MT bears witness. Moreover, 22:8–12 is a distinct literary subunit, which I have also shown in the prosodic analysis presented here.

Comment

8 A “parapet” (מעקה) is a low wall built around the edge of the roof as a safety precaution. The reference to “bring bloodguilt on your house” suggests that failure to provide a parapet amounts to criminal negligence (on “bloodguilt” see also the *Comment* on 19:10).

9 Sowing a “vineyard with a second kind of seed” (בלאים) refers to “mixed cropping” or “intercropping,” a common practice in subsistence farming on limited amounts of agricultural land. The space between the vines is used for other crops. Scholars have suggested various reasons for the prohibition of mixed cropping. The law may “have originated in a desire to avoid foreign practices which had some magical or cultic associations; it may have a utilitarian reason in the inappropriate and wasteful use of crops and land,” as Mayes ([1981] 307–8) and others have suggested. The rendering “lest you forfeit” (פן־תקדש) is an attempt to interpret a technical phrase: literally “lest you make sacrosanct,” which implies that it would not be available for common use. Taken literally, the terms rendered as “the crop from the seed” (המלאה הזרע) could be rendered “the fullness of the seed,” or the whole yield.

10 The command not “to plow with an ox and an ass together” may have been intended to protect animals of unequal strength. At the same time, however, it should be noted that on occasion an ass and an ox were yoked together in plowing, as Driver has shown ([1895] 253). Craigie ([1976] 290) has also called attention to the fact that the ox was “clean” and the ass “unclean” according to 14:1–8.

11 The prohibition against wearing “mixed material [שעטנז], wool and linen woven together,” does not forbid combining wool and linen as such, but only wearing a

garment of cloth made from that combination. The rabbis in Jewish tradition could find no explanation for this prohibition (Tigay [1996] 203). Josephus suggested that the prohibition applies only to the laity, because officiating priests did wear garments made of such mixtures (Josephus *Ant.* 4.8.11 §208; see Tigay [1996] 384 n. 35). The term **שׁעטנז** appears to be Egyptian (Lambdin, *JAOS* 73 [1953] 145–55; see Craigie [1976] 290 n. 13). Craigie suggested the possibility that the reason for the prohibition comes from Egypt, which during the Eighteenth Dynasty imported various pattern weaves, perhaps from Syria ([1976] 290, citing J. R. Harris, ed., *The Legacy of Egypt*, 2nd ed. [Oxford: Clarendon, 1971] 92).

Here in v 11, however, Hebrew **שׁעטנז** apparently refers not to mixed materials as such but to a luxurious linen garment that a prostitute might wear (T. O. Lambdin, *JAOS* 73 [1953] 155). The interpretation “mixed stuff” in most translations comes from a surface reading of its use in a context of illicit mixtures. Carmichael’s translation is more apropos: “Thou [Judah/Israel] shalt not put on *ša. aṭnēz* [a prostitute], wool [the Israelite] and linen [the prostitute] together” (*LNB*, 201).

12 “Tassels” (**גדלים**) were twisted braids of thread that were attached “at the four corners” (**כנפות**) of the “cloak” (**כסות**). According to Tigay ([1996] 203), “The four corners (lit., ‘wings’ or ‘extremities’) were probably either the points on scalloped hems or the places at which vertical bands of embroidery met the hems. Both styles, sometimes with tassels attached, are visible in ancient Near Eastern murals.” The cloak served both as a coat for daytime use and as a blanket at night. Carmichael’s suggestions in regard to the meaning of the term **גדלים**, “tassels,” merit comment (*LNB*, 210 n. 4). The term has cognates in Aramaic and Arabic that denote plaited cords or hair. Nonetheless, he associates the term with the root **גדל**, “to become strong,” in the sense of mature sexually (cf. use of the verb **גדל** in Gen 38:11, 14). See the observations of G. R. Driver (“L’interprétation du text masorétique à la lumière de la lexicographie hébraïque,” *ETL* 26 [1950] 343), who connects the meaning of “strong” and “twisting.” In traditional usage, the blue cord (which according to Num 15:38 must be attached to each tassel) was made of wool while the other cords were linen. According to Milgrom, the reason for this exception to the law of “mixed materials” was that the **שׁעטנז** characterized priestly garments; and thus wearing tassels reminds every Israelite to strive for holiness like the priests, to become a “kingdom of priests” and a “holy nation” (Exod 19:6) (Milgrom, *Numbers*[1990] 410–14). In Jewish tradition the tassels were made of four white threads folded double (hence eight thread ends), each with five double knots. The numerical value of the word **ציצית** (“tassels” in Num 15:37 = **גדלים** here in Deuteronomy) is 600 (= 90 + 10 + 90 + 10 + 400), since **צ** = 90, **י** = 10, and **ת** = 400. Adding these numbers (600 + 8 + 5) yields 613, the traditional number of commandments in the Torah.

Explanation

Houses in the ancient Near East had flat roofs that were used for various purposes. According to Tigay, in traditional Jewish interpretation, the law on building a parapet (22:8) is taken “as an example of an obligation to block or remove anything on one’s property that is capable of causing death, such as a pit, a faulty ladder, or a vicious dog; and to personally avoid potentially harmful food and drink.” The law has also been used in recent years “to support a ban on smoking” ([1996] 201). The law reminds us that each member of society is responsible for the safety of others. We are our brother’s keeper.

The three laws on illicit mixtures in Deut 22:9–11 have their parallel in Lev 19:19 (NRSV): “You shall not let your animals breed with a different kind; you shall not sow your field with two kinds of seed; nor shall you put on a garment made of two different materials.” The reasons for these laws are not clear. In this regard, the comments of the medieval Jewish exegete Rashi are worthy of note; he argued that these laws belong among the sovereign decrees of God, for which no reason need be given (Rashi, at Lev 19:19; see Tigay [1996] 202 and 384 n. 25). In other words, we ought not to press the matter trying to find explanations for the law.

The prohibition of mixing the ox and ass as plow animals (v 10) has been explained in various ways, usually as an attempt to protect draught animals. But once again, the reasoning of the exegetes from presumed parallels in the practice of ancient Roman agriculture are less than convincing. It seems more likely that a symbolic meaning is the primary reason for these laws, perhaps along the lines of what Carmichael has suggested in terms of relating the words of the law itself to the larger narrative tradition within the Torah and the Former Prophets—and to set the stage for the following law on wearing tassels on garments, which are expressly made of the forbidden mixture of textiles in 22:11. The ancient rabbis could find no explanation for the prohibition of mixing wool and linen in clothing (v 11), and like Rashi, considered the commandment to be one for which there is no apparent reason. Tigay refers to the observations made by Josephus (Ant. 4.8.11 §208): “the prohibition applies to the laity, because the priests, when they officiate, do wear garments made of such mixtures. The status of such garments is thus comparable to that of the sacred anointing oil and the incense that is used in the sanctuary and may not be made or used by laypersons, as stated in Exodus 30:22–37” ([1996] 203).

The law on the tassels takes on the form of a riddle that, with proper instruction and guidance, invites the reader into the complex world of the commandments in the Torah in relation to the biblical narrative with its many layers of meanings. The primary meaning, however, is clear: we are reminded of the need to keep God’s commandments.

C. Seven Laws on Marriage and Sexual Misconduct (22:13–23:1 [Eng. 22:30])

1. Two Laws on Premarital Unchastity (22:13–21)

2. Two Laws on Adultery (22:22–24)

3. Two Laws on Rape (22:25–29)

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Translation and Prosodic Analysis

False Accusation of Premarital Unchastity—The Man Is Fined [(6:8):(6:6):(6:6):(8:6)]

13	When a man takes / a woman //	9	2
	and he goes in to her / and then he hates her //	16	2
14	and he makes baseless charges / against her /	15	2_
	And he brings on her / a bad name // and he says /	19	3
	“This woman / I have taken as a wife /	14	2
	and when I came to her / I found she / was not a virgin” //	25	3_
15	And the father of the girl / and her mother \ shall take //	16	2
	and they shall bring out / evidence of the girl’s virginity /	18	2
	to the elders of the city / at the gate //	14	2_
16	And the father of the girl / shall say \ to the elders //	19	2

	<i>“I gave / my daughter / to this man / as a wife /</i>	<u>19</u>	4_
	<i>And he hates her //</i>	7	1
17	<i>and behold he / has made up baseless charges / saying /</i>	22	3
	<i>‘I did not find your daughter / to be a virgin’ /</i>	17	2_
	<i>But here is / evidence of the virginity of my daughter” //</i>	12	2
	<i>and <he> shall spread out / the garment /</i>	9	2
	<i>before / the elders of the city //</i>	<u>10</u>	2_
18	<i>And the elders of that city / shall take \ the man //</i>	21	2
	<i>and they shall flog / him //</i>	9	2
19	<i>And they shall fine him / a hundred pieces of silver /</i>	16	2
	<i>and they shall give it / to the father of the girl /</i>	16	2_
	<i>For he has brought / an evil name / on \ a virgin in Israel //</i>	20	3
	<i>and she shall be his wife /</i>	9	1
	<i>he may not divorce her / all his days //</i> ד	<u>15</u>	2_

True Accusation of Premarital Unchastity—The Woman Shall Die [7:7]

20	<i>But if / this \ charge is true //</i>	15	2
	<i>the girl was found / not to have been a virgin //</i>	16	2
21	<i>Then they shall bring out the girl /</i>	13	1
	<i>to the entrance of her father’s house /</i>	11	1
	<i>and the men of her city shall stone her with stones /</i>	<u>23</u>	1_
	<i>And she shall die / for she has done folly / in Israel /</i>	24	3
	<i>committing fornication / in her father’s house //</i>	10	2
	<i>and you shall purge the evil / from your midst //</i> ד	<u>13</u>	2_

Adultery with a Married Woman—Both Parties Shall Die [4:5]

22	<i>When a man is found / lying \ with the wife of another man /</i>	23	2
	<i>then both of them / shall die /</i>	11	2_
	<i>The man / who lay with the woman / and the woman //</i>	21	3
	<i>and you shall purge the evil / from Israel //</i> ד	<u>15</u>	2_

Adultery with a Betrothed Virgin—Both Parties Shall Die [(5:5):(5:4)]

23	<i>When there is / a virgin / who is betrothed \ to a man //</i>	23	3
	<i>and a man finds her / in the city /</i>	13	2_
	<i>And he lies with her //</i>	7	1
24	<i>then you shall bring them both / to the gate / of that city /</i>	21	3

and you shall stone them with stones /	16	1_
And they shall die /	6	1
the maiden / because / she did not cry out in the city /	22	3
and the man /	6	1_
Because he humbled / his neighbor's wife //	18	2
and you shall purge the evil / from your midst // Ծ	14	2_
 Rape of an Engaged Virgin—The Man Shall Die [(9:6):(5:5)]		
²⁵ But if it is in the field /	6	1
where the man finds / the girl \ who is betrothed /	21	2
and the man seizes her /	11	1_
And he lies with her by force //	7	1
then he shall die / the man / who slept with her / he alone //	20	4_
²⁶ And to the girl / you shall do nothing /	15	2
the girl did not commit / a mortal sin //	12	2
for this / is like a man who attacks his neighbor /	18	2_
And he murders him / so / is this matter //	18	3
²⁷ for in the field / he found her //	11	2_
The betrothed / girl / cried out /	18	3
but there was no one / to save her // Ծ	10	2_
 Rape of an Unengaged Virgin—The Man Is Fined [6:9]		
²⁸ When a man finds / a virgin /	16	2
who has never been betrothed / and he seizes her /	17	2
and he lies with her by force // and they are found //	13	2_
²⁹ Then the man who lay with her / shall give /	16	2
to the father of the girl / fifty pieces of silver //	16	2
And she shall be his wife / because / he has humbled her /	16	3
he may not divorce her / all his days // Ծ	14	2_

Notes

15.a. Reading the *ṭiphā'* as conj. because of misplaced *'atnāḥ*.

15.b. Tg. and Tg. Ps.-J. add *byt dyn*, "house of judgment." Prosodic analysis favors MT.

16.a. Reading the *ṭiphā'* as conj. because of misplaced *'atnāḥ*.

- 16.b. LXX adds τούτην (= הזאת, “this”). Prosodic analysis favors MT.
- 17.a. A few Heb. MSS, Cairo Geniza fragments, and LXX add לָהּ, “to her.”
- 17.b. Reading 3 sg with SP for MT ופרשו, “and they shall spread out.” It should be noted that this emendation does not add an additional word in the Hebrew text.
- 18.a. Reading *tiphā*’ as conj. because of misplaced *’atnāh*.
- 18.b. One Heb. MS, SP, and LXX add והוא, “that.” Prosodic analysis favors MT.
- 19.a. Reading *tiphā*’ as conj. because of misplaced *’atnāh*.
- 19.b-b. One Heb. MS and SP read שלחה (without the prepositional prefix) for MT לשלחה, “to send her (away).” Prosodic analysis favors MT.
- 20.a. One Heb. MS and LXX omit הזה, “this.” Prosodic analysis favors MT.
- 20.b. Reading *tiphā*’ as conj. because of misplaced *’atnāh*.
- 21.a-a. Omitted in LXX; many Heb. MSS, Cairo Geniza fragments, and Tg.MS add כל, “all.” Prosodic analysis favors MT.
- 21.b-b. SP and LXX read להזנות for MT לזנות, “to commit fornication,” with no change in meaning.
- 21.c. LXX, Syr., and Tg. Ps.-J. read 2 pl. Codex MSS of Vg. read *de medio Israel*, “in the midst of Israel” (= מקרב ישראל).
- 22.a. Reading *mūnāh* with *pāsēq* as conj.
- 23.a. Reading *tiphā*’ as conj. because of misplaced *’atnāh*.
- 25.a. Reading *paštā*’ followed by *zāqēp qātōn* as conj.
- 26.a. SP, LXX, Syr., and Tg. Ps.-J. read תעשו, “you [pl.] shall do,” for MT תעשה, “you [sg.] shall do”; LXX reads ποιησεται, “it shall be done,” i.e., “she shall suffer (nothing)” (= תעשה).
- 26.b. Two Heb. MSS, LXX, and Syr. add כִּי, “for.”
- 28.a. LXX reads 3 sg.

29.a-a. Some Heb. MSS and Vg. read לשלחה, “to send her (away),” for MT שלחה, “send her (away).”

Form/Structure/Setting

The six laws in 22:13–29 are sharply focused on the overt meaning of the seventh commandment forbidding adultery, with the command itself repeated at the center of a concentric structural design:

A False accusation of premarital unchastity—man fined, no divorce	<u>22:13–19</u>
B True accusation of premarital unchastity—woman dies	<u>22:20–21</u>
X Adultery with a married woman or betrothed virgin—both die	<u>22:22–24</u>
B' Rape of betrothed virgin in the field—man dies	<u>22:25–27</u>
A' Rape of unbetrothed virgin—man fined, marriage, no divorce	<u>22:28–29</u>

On one side of the central law on adultery with a married woman or a betrothed virgin (vv 22–24), we have two laws on the matter of premarital unchastity: one in which the charges brought by the man are false and he is flogged and fined one hundred pieces of silver (vv 13–19), and the other where the charges are true and the woman is executed by stoning (vv 20–21). On the other side of the center, we find two laws on the matter of rape: one where the man only is condemned to death, in the case of rape of a betrothed virgin in the field (vv 25–27), and the other where the man is required to pay fifty pieces of silver to the girl's father and marry the woman without the possibility of divorce (vv 28–29).

The internal symmetry in terms of punishment is remarkable in the above concentric structure. In each section of the outer frame (vv 13–19 and 28–29), the man is fined and “he may not divorce her all his days” (vv 19 and 29). In the first half of the inner frame the woman only is executed, because “she did not cry out” for help (vv 20–21); whereas in the second half it is the man only who is executed, because the woman did cry out and there was no one there to hear her (vv 25–27). In the center, both parties are executed for committing adultery (vv 22–24). All of these laws are expanded in story form within the book of Genesis, as Carmichael has shown (*LNB*, 210–20).

In terms of rhetorical markers within the MT, the laws in 22:13–29 are divided into six sections, each of which ends with the *sētûmā* layout marker: vv 13–19, 20–21, 22, 23–24, 25–27, and 28–29. Further indications of overall structure are present in the two occurrences of the *Numeruswechsel* in v24. The first two occurrences of second singular forms of the verb and pronominal suffixes appear in the formulaic expression “you shall purge the evil from your midst” at the end of vv 21 and 22. The rest of the material in vv 13–22 is in the third person, except for quotation of direct speech in the first person in vv 14 and 16–17. The two occurrences of second plural verbal forms in v 24 (והוצאתם and וסקלתם) mark the center of the larger structure of vv 13–29 as a whole. The shift back to second singular forms at the end of v 24 occurs again within the same formulaic expression “you shall purge the evil from your midst,” which appears here for the third and final time within vv 13–29.

The issue at hand in the first law is an accusation of premarital unchastity on the part of the husband of a new bride. In terms of internal symmetry, the content of this literary unit may be outlined as follows:

A A man attempts to put aside his wife on baseless charges	<u>22:13–14</u>
B The girl’s parents present evidence to the elders	<u>22:15</u>
X The girl’s father states his case	<u>22:16–17a</u>
B’ The girl’s father presents evidence before the elders	<u>22:17b</u>
A’ The man is flogged, fined, and may never divorce the woman	<u>22:18–19</u>

The central point in this structure is the statement of the case itself by the girl’s father: “I gave my daughter to this man as a wife; and he hates her, and behold he has made up baseless charges saying, ‘I did not find your daughter to be a virgin’ ” (vv 16–17a). The inner frame concerns the evidence produced by the parents that the charges are false (vv 15 and 17b), whereas the outer frame moves from a description of the legal issue (vv 13–14) to the decision rendered by the elders in such a case (vv 18–19). The second layout (vv 20–21) deals with what is to be done if the charges are substantiated.

There are puzzling features about this law that lend substance to the symbolic reading proposed by Carmichael. First, the bride’s parents are to present the so-called wedding night cloth and could fake it. “Talmudic sources report that in some places the bride was searched to make certain that she did not bring an already stained cloth into the nuptial chamber (the groom was likewise searched to ensure that he did not bring a clean cloth to switch with the legitimately stained one in order to destroy the evidence of virginity ... (Tosef. Ket. 1:4ff.; TJ Ket. 1:1, 25a; 4:4, 28c; and Ket. 12a)” (Tigay [1996] 539 n. 1).

The statement that the absence of the bloodstained cloth is sufficient evidence to convict the bride appears to be contrary to the normal requirement of two witnesses to a crime involving capital punishment (17:2; 19:15). “It also overlooks the fact that not all virgins have intact hymens or bleed the first time they have sexual relations, a fact also recognized in talmudic sources” (Tigay [1996] 476). Moreover, the law seems to be in contradiction to others that indicate that such sexual misconduct calls for execution only if the girl in question is betrothed at the time (see vv 23–24 and Exod 22:15–16).

In short, the law as stated is not practicable. “Even the avowedly literalistic Karaite exegesis agrees that the matter cannot hinge on the cloth alone and that witnesses (attendants who examined the cloth or the bride at the time of the marriage) are required. A fragmentary paraphrase of this law from Qumran states that the matter is to be determined on the basis of a physical examination of the bride by trustworthy women shortly after consummation of the marriage” (Tigay [1996] 476).

Driver and Miles have suggested that in comparable laws in ancient Mesopotamia “the penalties are only inserted *in terrorem* and will never be inflicted” (*The Babylonian Laws*, 2 vols. [Oxford: Clarendon, 1952–55] 1:204 n. 3). This view is similar to rabbinic interpretation of the law about the insubordinate son, which was for educational purposes and not to be enforced. The purpose of the law would then be rhetorical as a means of condemning premarital sex and deterring girls from such activity. “It would provide ammunition for parents to use in warning their daughters against unchastity,

much as they could have used 21:18–21 in warning sons against insubordination” (Tigay [1996] 477).

Otto has noted what he calls a concentrically arranged redaction of 22:23–27, which may be outlined as follows (“Aspects of Legal Reforms,” 190 n. 99):

A	“When a virgin is betrothed ...”	כי יהיה נער בתולה מארשה לאיש	<u>22:23</u>
B	“(a man) finds her”	מצאה	<u>22:23</u>
C	“in the city”	בעיר	<u>22:23</u>
X	Stone them with stones to purge the evil from your midst		<u>22:24</u>
C’	“in the field”	בשדה	<u>22:25</u>
B’	“(where the man) finds her”	מצאה	<u>22:25</u>
A’	“(where) the man finds the betrothed girl”	את־הנער המארשה	<u>22:25</u>

The center of this structure is marked by the *Numeruswechsel* at the beginning and end of v 24. “This concentric structure precludes a traditio-historical claim that 22:25–27 is a later addition to an original unit in 22:23–24” (Otto, “Aspects of Legal Reforms,” 190 n. 99, against Stuhlman, *JSOT* 53 [1992] 58–60).

The two laws on adultery with a married woman (v 22) or a betrothed virgin (vv 23–24) form a literary subunit that may be outlined as follows:

A	If a man has sex with another man’s wife, “purge the evil”	<u>22:22</u>
B	If a man has sex with a betrothed virgin in the city	<u>22:23</u>
X	Bring them both to the city gate and stone them to death	<u>22:24a</u>
B’	The woman because she did not cry out, and the man	<u>22:24b</u>
A’	Because he “humbled” his neighbor’s wife—“purge the evil”	<u>22:24c</u>

The central issue in this reading is the death penalty itself, which is imposed on both the man and woman guilty of adultery, whether the woman is the wife of another man (v 22) or betrothed to another man (23). Both the man and the woman are to be stoned to death, to purge the evil from the midst of Israel.

The law on the rape of a betrothed virgin in 22:25–27 may also be outlined in concentric fashion:

A	If a man finds a betrothed girl in the field and rapes her	<u>22:25a</u>
B	Only the man shall be put to death	<u>22:25b</u>

- X Do nothing to the girl, for she did not commit a mortal sin 22:26a
- B' It is like the case of a man who murders his neighbor 22:26b
- A' The man found her in the field—there was no one to save her 22:27

The focus of attention in this structure is on the woman, for she did not commit a mortal sin and so should not be punished (v 26a). When the man found her in the field and raped her, there was no one to save her (vv 25a and 27). Thus only the man is to be put to death (v 25b), because the situation is comparable to the case where a man murders his neighbor (v 26b).

According to Carmichael (*LNB*, 210–14), the law of the wedding-night cloth (vv 13–21) stands in sharp contrast with what happened to Joseph. Joseph's garment in the hands of Potiphar's wife falsely condemned him to prison for a sexual crime he did not commit. The case of the slandered bride points us back to Jacob's marriage to Leah instead of Rachel (Gen 29:15–31), which took place on the wedding night when Jacob was to marry Rachel. As in the law, Jacob after his wedding night does not wish to marry his new bride.

A second story that appears to be shaped, at least in part, by the laws of marital and sexual misconduct of Deut 22:13–29 is that of Dina and the Canaanite prince Shechem, son of Hamor, in Gen 34 (see Carmichael, *LNB*, 213–14). The same phrase used to condemn Shechem for his misconduct with Dinah is applied to the woman's premarital activity in the law: the girl "has done folly in Israel committing fornication in her father's house" (Deut 22:21; cf. Gen 34:7). Moreover, the Genesis story describes Shechem's offense as treating Dinah like a harlot (Gen 34:31).

The law about adultery in v 22 appears to have shaped, at least in part, the stories about Sarah's relationship with both the pharaoh and Abimelech (Carmichael, *LNB*, 214–16). It is noteworthy that the technical designation of "a man's wife" (בעלת בעל) occurs within the Hebrew Bible only in Gen 20:3 and Deut 22:22, in the context of references to capital punishment.

The law of the seduction of a betrothed woman (Deut 22:23–27) plays a role in the shaping of the story of Joseph and Potiphar's wife (Carmichael, *LNB*, 217–18). For Potiphar's wife to be in the clear, if the story is shaped by the law here in Deuteronomy, she must either cry out for help or be sufficiently distant from human habitation to make such cries futile (v 25). The analogy of the man who is murdered in a remote setting (v 26) also applies to the larger story of Joseph, who was almost murdered in such a setting before his brothers changed their minds and sold him into slavery instead (Gen 37:17–20).

The law of the seduction of an unbetrothed woman (Deut 22:28–29) points us once again to the story of Dinah's plight at the hands of Shechem (Gen 34; see Carmichael, *LNB*, 218–20). Dinah was not with her own people when the incident occurred, and hence a cry from her would not have been heard by her brothers. She had gone "to visit the women of the land" (Gen 34:1). Shechem "humbled" (ענה) Dinah, treating her as a harlot (Gen 34:31). The same verb ענה appears in the law of Deut 22:29.

The evidence assembled by Labuschagne on the use of the divine-name numbers in 22:13–29 may be summarized as follows:

Words:	before 'atnāḥ		after 'atnāḥ			
			ḥ			
<u>22:13–21</u>	78 (= 3 × 26)	+	51 (= 3 × 17)	=	129	
<u>22:22</u>	16	+	3	=	19	
<u>22:23–29</u>	76	+	43 (= 17 + 26)	=	119 (= 7 × 17)	
<u>22:13–14</u>	12	+	14	=	26	
<u>22:13–17</u>	34 (= 2 × 17)	+	34 (= 2 × 17)	=	68 (= 4 × 17)	
<u>22:18–21</u>	44	+	17	=	61	
<u>22:22–27</u>	73	+	34 (= 2 × 17)	=	107	
<u>22:23–24</u>	34 (= 2 × 17)	+	8	=	42	
<u>22:25–27</u>	23	+	23	=	46 (= 2 × 23)	
<u>22:1–12</u>	109	+	61	=	170 (= 10 × 17)	
<u>22:13–29</u>	170 (= 10 × 17)	+	97	=	267	

The laws on marriage and sexual misconduct in 22:13–29 are carefully arranged in two major sections (vv 13–21 and 23–29), with the basic citation of the seventh commandment (forbidding adultery) in the center (v 22). In the first half of this mathematical composition there are 78 (= 3 × 26) words before 'atnāḥ and 51 (= 3 × 17) words after 'atnāḥ, an arrangement that symbolically intensifies the divine presence in this text. The total number of words in the second half (vv 23–29) comes to 119 (= 7 × 17), which reinforces this intensification. Moreover, there are 43 (= 17 + 26) words after 'atnāḥ here to communicate the same message yet a third time.

Within the body of the text we find six subunits that correspond, for the most part, with the prosodic subunits found in the prosodic analysis here on independent grounds. There are 26 words in vv 13–14, which presents the false accusation of premarital unchastity. When this text is combined with the following subsection that presents the case for the defense on the part of the parents of the accused girl (vv 15–17), we have 34 (= 2 × 17) words before and after 'atnāḥ. When these two subunits are combined with the decision on the part of the elders before whom the case was brought (vv 18–19), we find that the total number of 98 words is divided so as to have 26 words in the subordinate clauses of 22:13–19. Moreover, the law on false accusation of premarital unchastity (22:13–19) is tied together with the law on true accusation of premarital unchastity (22:20–21) by the fact that vv 18–21 have 17 words after 'atnāḥ.

The law prohibiting adultery with a betrothed virgin (vv 23–24), which has 34 (= 2 × 17) words before 'atnāḥ, is tied together with what follows by the fact that there are 34 words after 'atnāḥ in 22:22–27. The law on rape of an engaged virgin (vv 25–27) has

23 words before and after *'atnāḥ*, an arrangement that signifies that all this hidden information on the use of the two divine-name numbers was done to the “glory” (כבוד = 11 + 2 + 6 + 4 = 32) of God.

When chap. 22 is examined as a whole, in terms of the use of the divine-name numbers, we find that there are 170 (= 10 × 17) words in vv 1–12 and the same number of words before *'atnāḥ* in vv 13–29. The message here seems to be a reminder that we are dealing with the Ten Commandments, which is the very word of God that Moses received at the beginning.

Comment

13–14 The situation here is one in which a man’s feelings toward his new wife have changed and “he hates her” (ושנאה) to the extent that “he makes baseless charges against her” by bringing “on her a bad name,” that is, he makes public the charge that she was not a virgin at the time of the consummation of the marriage. The phrase עלילת דברים, translated here as “baseless charges,” has been translated in different ways. LXX, Vg., Ibn Ezra, and also KJV (“occasions”) interpret the word עלילת from Aramaic עילה, “circumstance,” “occasion.” Mayes has noted ([1981] 309–10) that this sense is not otherwise attested for the root עלל in biblical Hebrew, where the hithpael has the meaning “to act wantonly” or “to act ruthlessly” (cf. Num 22:29; Judg 19:25; 1 Sam 6:6; 31:4). The RSV thus translates the word as “shameful conduct,” and the NRSV paraphrases to read “slandering her.” The translation here follows Craigie ([1976] 291) in the sense of “wantonness of words,” or baseless accusations. Tigay has drawn attention to a parallel situation in Arab culture: “if a groom found his bride not to have been a virgin, he turned her out immediately, and if her family refunded the bride-price, he was obligated to keep quiet. If, however, he spoke out, the girl was examined. If she was found guilty, irrespective of whether she lost her virginity long before or recently, she was executed, but if she was innocent, the groom was executed” ([1996] 204; see A. Musil, *Arabia Petraea*, 3 vols. [Vienna: Hoelder, 1908] 3:208). Translated literally, “I did not find her to be a virgin” would be “I did not find virginity [בתולים] in her,” that is, her hymen was not intact or she did not bleed (see v 17 below). Wenham interprets the word בתולים as referring to proof of menstruation immediately before marriage, meaning the bride is not already pregnant (VT 22 [1972] 331–33). This interpretation is necessary, as Mayes has observed ([1981] 310), if Wenham’s interpretation of the related word בתולה, “virgin,” is correct (see the *Comment* on v 23).

15–17 Since the legal responsibility for defending the young woman rested on the parents, “the girl’s father and her mother shall ... bring out evidence of the girl’s virginity,” which is “the garment” (השמלה), or the cloth spotted by the girl’s blood when her hymen was broken. It was not uncommon within Jewish and Arab communities in the Middle East, until recent times, for the “wedding cloth” to be displayed by the proud parents of the bride (Westermarck, *Marriage Ceremonies in Morocco*, 159, 228; Granqvist, *Marriage Conditions*, 2:127–30; I. Ben-Ami and D.

Noy, eds., *Studies in Marriage Customs* [Jerusalem: Magnes, 1974] 54, 174, 260, 262; and Karaite sources cited by Malul, *JESHO* 32 [1989] 264; all cited by Tigay [1996] 384 n. 47). The “wedding cloth” (השמלה), which was normally an outer garment that was also used as a cover while sleeping (cf. 24:13), was “spread out ... before the elders of the city,” which is another instance in which the elders exercised jurisdiction in matters of family law. On the meaning of “at the gate” see the *Comment* on 17:5. “The custom that virgins wed on Wednesdays arose because courts held session on Thursdays; thus a man who suspected his bride of premarital unchastity could press charges immediately (Mish. Ket. 1:1; Tosef. Ket. 1:1)” (Tigay [1996] 384 n. 48).

18–19 The husband receives a triple punishment: “they shall flog him,” “they shall fine him a hundred pieces of silver,” and “he may not divorce her all his days,” which provides her the needed economic protection for survival. It should be noted with Mayes ([1981] 310) that the translation “they shall flog him” (ויסרו אתו) is not certain, even though the ancient versions understood it in this way. Apart from this passage, and possibly 21:18, the verbal root סר has the meaning of “admonish” or “discipline” more generally. Mayes suggests the translation “punish him,” with the following verse prescribing the nature of the punishment: the fine of “a hundred pieces of silver,” which is normally interpreted as double the bride-price for a virgin (however, see v 29 below and Exod 22:16). It should be noted with Mayes that it is the father’s reputation that is at stake here ([1981] 310), even though it is the woman who has been slandered. The father is implicitly charged with deceitfully passing off his daughter as a virgin. The concluding statement that the man “has brought an evil name on a virgin of Israel” suggests that his accusation would raise doubts about the character of all Israelite girls, as the *Sifre* indicates (Tigay [1996] 205).

20–21 If the accusation turns out to be correct, “the girl was found not to have been a virgin,” the girl was to be taken “to the entrance of her father’s house,” since she is guilty of “committing fornication in her father’s house.” Such action would also be a form of communal judgment against the father. Tigay cites an interesting parallel from the Code of Hammurabi (§21): “where a man who breaks into a house is to be executed in front of the breach that he made” ([1996] 206). Execution by stoning (“the men of her city shall stone her with stones”) was also required in the law of the insubordinate son (see the *Comment* on 21:21 and 13:11). On the statement “you shall purge the evil” see the *Comment* on 13:6.

22 The prohibition of adultery is the seventh of the Ten Commandments (see 5:17). In such cases, “both of them shall die—the man who lay with the woman and the woman.” According to Tigay ([1996] 206–7), other law collections from the ancient Near East also prescribe capital punishment for adultery (Code of Hammurabi, §129; Middle Assyrian Laws, A §§14–16; Hittite Laws, §§197–98). But in these other cultures the offense is considered to be one that is done against the husband of the woman, who may choose to spare his wife, and her lover, by imposing a lesser penalty. There is no clear evidence that adulterers were actually executed in ancient Israel, though that is clearly the implication of the story of the woman taken in adultery as presented in John 8:1–11. The story of Judah and Tamar, in which her death was ordered for what was thought to be adultery, may simply be a story form of the law in question, as Carmichael’s research suggests. The warning in Prov 6:32–35 implies the right of a husband to accept a financial payment from an adulterer, even if his normal inclination might be otherwise. Once again, as in the case of the law of the insubordinate son (21:18–21) and the accused bride (22:13–21), we appear to be dealing

with a law that was seldom, if ever, put in practice (see Greenberg, “More Reflections on Biblical Criminal Law,” 1–4; McKeating, *JSOT* 11 [1979] 57–72; Phillips, *JSOT* 20 [1981] 3–26; Westbrook, *RB* 97 [1990] 542–80; and Tigay, *EncJud*2:313–15).

23–24 Wenham has argued that the word translated here as “virgin” (בתולה) should be rendered “girl of marriageable age” (*VT* 22 [1972] 326–48). The laws on premarital unchastity in 22:13–21, however, imply the subject of virginity in the laws that follow in vv 25–29 as well, which are to be read over against vv 13–21 in the concentric structural design of the seven laws on marriage and sexual misconduct in 22:13–23:1. In cases where a man has sexual intercourse with “a virgin who is betrothed ... in the city,” both parties are to be brought “to the gate of that city, and you shall stone them with stones.” The woman’s guilt in the matter is determined on the basis of whether she was a willing partner. Again, we have a law that is difficult actually to apply. Philo, Josephus, and early rabbinic sources broaden the law, as Tigay has noted: “whether in town or in the country, evidence that there was no one who could have saved her, that she resisted, or that her life was threatened if she resisted, would establish innocence; evidence to the contrary would establish guilt” ([1996] 207).

25–27 If the girl is raped in the open country and the man lies with her by force, then only the man shall die who slept with her. In such cases, the girl is a victim and not a participant—“the girl did not commit a mortal sin,” for she “cried out, but there was no one to save her.” A text from among the Dead Sea Scrolls at Qumran (11QTemple 66:4–5) attempts to clarify the situation by adding: “in a far-away place, hidden from the city.” In subsequent Jewish tradition, the statement “to the girl you shall do nothing” became the basis for the principle that one who violates the law under compulsion is not liable (*b. Ned. 27a*; *Sefer Ha-Hinnukh*, no. 573; cited by Tigay [1996] 385 n.67). Fishbane has interpreted v 26 as an exegesis of 19:2–13 (*Biblical Interpretation*, 217–20).

28–29 Though sexual intercourse with an unbetrothed virgin is against the law, it is not a capital offense. The translation “who has never been betrothed” (אשר לא־הארשה) is that of Weiss (*JBL* 81 [1962] 67–69), who noted the use of the passive perfect here rather than the passive participle of vv 23, 25, and 27. The compensation to the father is for loss in the expected bride price he would normally receive. In such cases, “the man who lay with her shall give to the father of the girl fifty pieces of silver,” often interpreted as the normal bride-price for a virgin (cf. also Exod 22:15–16). Tigay has argued convincingly, however, that “if the seducer of Exodus 22:16 is required to pay an average bride-price, the fifty pieces of silver paid by the rapist represents a combination of an average bride-price [thirty pieces of silver] plus punitive damages.” It should be noted that the law here deals only with a girl for whom a bride-price has never been paid. The law concludes with the statement that the rapist must marry the girl and that “he may not divorce her all his days.” Once again, we have a law that runs contrary to common practice, for in subsequent Jewish tradition, in cases of both seduction and rape, both the girl and her father can refuse the marriage. Tigay has noted parallels in Middle Assyrian Laws ([1996] 209), where “the rapist must pay triple the normal bride-price and marry the girl (if the father is willing) without right of divorce. If the rapist has a wife, a typically Mesopotamian measure-for-measure punishment is added: the girl’s father can have the rapist’s wife raped and then keep her” (*Middle Assyrian Laws*, A §55).

Explanation

Three situations are addressed in the laws on marital and sexual misconduct in 22:13–29, each of which is in two parts. The first situation concerns a husband's accusation of premarital unchastity on the part of the woman (vv 13–21). If the charges are proved false, the man is to be flogged and fined one hundred pieces of silver (vv 13–19). If the charges are proved true, the woman is to be stoned to death at “the entrance of her father's house” (vv20–21). The specific location of the execution indicates parental responsibility for the sexual behavior of their children. The instruction that execution be carried out by “men of her city” indicates that the entire community is involved in the incident. Sexual misconduct is not simply a private affair. The community also suffers as a consequence. As John Maxwell put it, “There is no such thing as a ‘casual affair.’ One need only read the statistics concerning abortions, sexually transmitted diseases, and government assistance for unwed mothers to realize that private sexual sins quickly become public matters of concern” (*Deuteronomy* [1987] 262–63). The law here encourages premarital sexual purity and the value of sexual abstinence prior to marriage.

The second situation addressed is the matter of adultery, which includes sexual intercourse with a betrothed virgin as well as with another man's wife. Both parties are to be executed. Though the means of execution is not indicated in the matter of adultery with a married woman (v 22), it was presumably by stoning as in the case of adultery with a betrothed virgin (v 24). This is clearly the method of execution indicated for the woman caught in adultery in John 8:5.

The third situation addressed is the matter of rape. If a man rapes a betrothed virgin in the open country, the man alone is to be executed, since the screams of the woman would not have been heard (vv 25–27). If a man rapes an unbetrothed woman in the city, it is considered seduction, requiring marriage and paying the girl's father fifty pieces of silver (vv 28–29), as a dowry.

In light of what is often called the modern sexual revolution, the laws on premarital sex in this text seem quaint to some and certainly out of touch with reality. Nonetheless, this law teaches that parents are to be concerned with the actions of their children in matters of sexual conduct. In the teaching of Jesus the ideals reach greater heights, equating lust with the act of adultery itself (Matt 5:27–28). Paul argued that the human body is to be considered the temple of the Holy Spirit and treated accordingly (Eph 5:32).

4. Prohibition of Marrying One's Father's Wife (23:1 [Eng. 22:30])

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Translation and Prosodic Analysis

Prohibition of Marrying One’s Father’s Wife [2:2]

<i>23:1(22:30) A man shall not take / his father’s wife //</i>	14	2
<i>and he shall not remove / his father’s garment // D</i>	12	2

Form/Structure/Setting

The law prohibiting marriage to one’s father’s wife (23:1) functions as a literary bridge connecting two larger groups of laws on matters of social ethics (21:10–22:29 and 23:2–26 [Eng. 23:1–25]). It is also in parallel with a somewhat similar law prohibiting remarriage if one’s former wife has remarried (24:1–4), which functions in the same manner connecting the laws of 23:2–26 and 24:5–25:19, as the following outline indicates:

A Marriage/war, true religion, and illicit mixtures	<u>21:10–22:29</u>
B Prohibition of marrying one’s father’s wife	<u>23:1</u>
X Laws on social ethics (true religion)	<u>23:2–26</u>
B’ Prohibition of remarriage if one’s former wife has remarried	<u>24:1–4</u>
A’ Marriage/war and true religion (on the poor and vulnerable)	<u>24:5–25:19</u>

Within this structure, 23:1 serves as an inclusion with the law on marriage with a woman captured in war (21:10–14) and as an introduction to the laws on the assembly of YHWH and the sanctity of the military camp (23:2–15). By the term “true religion” I mean concern for the protection of the poor and vulnerable, as the letter of James put it: “Religion that is pure and undefiled before God, the Father, is this: to care for orphans and widows in their distress, and to keep oneself unstained by the world” (Jas 1:27 NRSV).

The law in 23:1 is also part of a series of seven laws (21:10–14; 22:13–23:1) that function as a “commentary” on the seventh commandment (5:18; prohibiting adultery) within another concentric structure (21:10–23:1), which may be outlined as follows:

A Marriage with a woman captured in war	<u>21:10–14</u>
B Two family laws pertaining to children	<u>21:15–21</u>
X Ten laws on true religion and illicit mixtures	<u>21:22–22:12</u>
B’ Five family laws on marital and sexual misconduct	<u>22:13–29</u>
A’ Prohibition of marrying one’s father’s wife	

23:1

Two of the seven laws on matters pertaining to the seventh commandment (prohibiting adultery) make up the outer frame (21:10–14 and 23:1) of this structure, and the other five are in the second half of the inner frame, the five family laws on marital and sexual misconduct (22:13–29).

Another way of looking at the structure of 21:10–23:1, which is shaped by the seventh commandment (5:18), is to place that very law as it appears in 22:22–24 at the center of the outline:

A Marriage with a woman captured in war (+ 12 laws [<u>21:15–22:12</u>])	
	<u>21:10–14</u>
B Two laws regarding accusations of premarital unchastity	
	<u>22:13–21</u>
X Adultery with a married woman or a betrothed virgin	
	<u>22:22–24</u>
B' Two laws on the rape of a virgin	
	<u>22:25–29</u>
A' Prohibition of marrying one's father's wife	
	<u>23:1</u>

The seventh commandment (5:18) in the center of this structure applies to a betrothed virgin as well as a woman who is married to another man. The inner frame moves from two laws on premarital unchastity (22:13–19), to two laws on rape (22:25–29). The outer frame is made up of two laws on marriage, which are part of a series of four such laws on marriage functioning as a framework around seven laws on matters of social ethics (23:2–26), as the following outline shows:

A Marriage with a woman captured in war (+ 17 laws on social ethics [<u>21:15–22:29</u>])	
	<u>21:10–14</u>
B Prohibition of marrying one's father's wife	
	<u>23:1</u>
X Seven laws on matters of social ethics (“true religion”)	
	<u>23:2–26</u>
B' Prohibition of remarriage if one's former wife has remarried	
	<u>24:1–4</u>
A' Deferral of new husband from military service	
	<u>24:5</u>

The two laws in the outer frame of this structure deal with both marriage and war (i.e., commandments six and seven). The two laws in the inner frame of this structure (23:1 and 24:1–4) function as bridges connecting two larger structures and belonging to both of them.

The seven laws in the center of the previous structure may be outlined within the larger literary structure of Deut 23–25:

A From forbidden marriage to sanctity of the military camp	
	<u>23:1–15</u>
B Law protecting the poor and vulnerable: asylum for escaped slaves	
	<u>23:16–17</u>
X Prohibition of “holy” prostitution	

B' Three laws protecting the poor and vulnerable	<u>23:18–19</u>
	<u>23:20–26</u>
A' From forbidden remarriage to Holy War (war with Amalek)	<u>24:1–25:19</u>

The outer frame in this structure opens with the law prohibiting marriage to one's father's wife (23:1), which introduces a lesser structure that concludes with a law pertaining to the sanctity of the military camp (23:10–15). It continues with a law prohibiting remarriage to a former wife who has remarried (25:1–4), which introduces a group of fourteen laws, concluding with one on YHWH's Holy War (25:17–19, which is a command to remember Amalekite aggression in the exodus from Egypt). The inner frame is made up of four laws protecting the poor and vulnerable (true religion), in the familiar three-plus-one structural pattern of Jungian psychology. The center of this structure has the character of a "riddle at the middle" in the prohibition of "holy" prostitution (23:18–19).

In terms of prosodic structural units, vv 13–29 are divided into four sections: vv 13–19, 20–21, 22–24, and 25–29. This suggests the possibility of reading 23:1 as the fifth part of a literary unit in a five-part concentric structure; 23:1 forms an inclusion with the law on attempting to put aside one's wife on false charges (22:13–19). The concentric design of 22:13–23:1 in this reading may be outlined as follows:

A Attempt to put away one's wife on false charges—man fined	<u>22:13–19</u>
B Premarital unchastity—woman dies	<u>22:20–21</u>
X Adultery with a married or a betrothed woman—both die	<u>22:22–24</u>
B' Rape of betrothed or unbetrothed virgin—man dies or is fined	<u>22:25–29</u>
A' Prohibition of marrying one's father's wife	<u>23:1</u>

The law on adultery (with a married woman, v 22; or a betrothed woman, vv 23–24) remains in the center. The inner frame has the law on premarital unchastity, in which the woman is executed (vv 20–21), set over against the two laws on rape, in which the man is executed (vv 25–27) or fined (vv 28–29). Further evidence for this reading is the manner in which 22:13 and 23:1 form an inclusion around the whole with repetition of specific words and phrases: כִּי־יִקַּח אִישׁ אִשָּׁה, "When a man takes a woman,"

in 22:13 and לֹא־יִקַּח אִישׁ אֶת־אִשְׁתׁ אָבִיו, "A man shall not take his father's wife," in 23:1. Moreover, the attempt to make these parallel lines virtually identical helps to explain the peculiar wording of 23:1, which is translated "former wife" in the new JPS *Tanakh* (1988), though it is not so qualified in the Hebrew text.

Following the series of five laws on marital and sexual misconduct (22:13–29), the law forbidding a sexual relationship with one's father's wife (23:1) takes the reader back to the story of Reuben and his father's concubine (Gen 35:22; 49:4), and the law of inheritance rights of the firstborn son (21:15–17), to form an inclusion with the beginning of the larger section of laws in 21:10–23:1. The association of the previous law with the story of Dinah, Jacob's first and only daughter (Gen 34), is easy to understand, for Reuben is Jacob's firstborn son.

The first part of the law here, which prohibits a man from taking his father's wife, includes the taking and possessing of his father's concubine(s) in a formal legal relationship. The prohibition against removing his father's garment in the second half of the verse resorts to figurative language. According to Carmichael, it focuses on Reuben's intercourse with Bilhah. In his discussion of what he calls the law on "a forbidden relationship with a father's wife," Carmichael says: "In the law, a man's wife is his skirt, and for a son to lie with her means that figuratively he has removed his father's covering and put it on himself. In a literal sense he uncovers his stepmother's nakedness, in a figurative sense, his father's" (*LNB*, 222). Furthermore, he calls attention to the "double nature of this law." The general prohibition of taking one's father's wife, presumably after his death, is followed by a specific condemnation of a son having intercourse with his father's concubine while the father is still alive, as Reuben did with Bilhah (Gen 35:22).

Comment

1 The phrase **אשת אביו**, "wife of his father," here must refer to a father's former wife or concubine; for one's own mother see Lev 18:7–8 and 27:20 below. interpreted this verse as prohibiting adultery with a man's stepmother. It is more likely that the law "precludes a man from marrying a woman divorced by his father and inheriting or marrying his father's wives and concubines after his death," as Tigay has argued ([1996] 209). If the law were interpreted broadly so as to include concubines as well as wives, it would prohibit the action taken by Absalom (2 Sam 16:21–22). The phrase "remove his father's garment" (**יגלה סנף אביו**), like "seeing [or 'uncovering'] someone's nakedness," means having sexual relations with that person (Lev 18:7–8; 20:11; see also Lev 18:10, 14, 16; 20:20, 21; Nah 3:5). "The point seems to be either that one sees nakedness that is reserved for his father or that the act is tantamount to having sexual relations with *him*" (Tigay [1996] 209). On the basis of Ruth 3:9 and Ezek 16:8, Mayes interpreted the phrase "to cover with the skirt" as meaning "to marry": "to uncover the skirt" would mean "to invade the privacy of the father's marriage relationship" (Mayes [1981] 313).

Explanation

The law in Deut 23:1 prohibits sexual relations with one's father's wife, as in the parallel passages of Lev 18:8 and 20:11 (see also Deut 27:20). It is clear that the text here refers to a woman who is not one's own mother since a separate law in Lev 18:6–7 deals with that situation. In ancient Israel, girls married at a young age, often in their early teens. In the case of a later wife (for whatever reason), it was sometimes the case that the woman would be the same age as, if not younger than, the man's son by an earlier wife. Their presence together in the same house would sometimes create enticing situations, along the lines of what transpired between the slave Joseph and Potiphar's wife (Gen 39). Tigay ([1996]209) calls attention to Middle Assyrian Laws (Mal A, §46) allowing a man to marry his father's former wife; and in pre-Islamic Arab culture an heir inherited a man's wives and concubines along with the rest of his property (W. R. Smith, *Kinship and Marriage in Early Arabia* [1903] 104–11).

The specific wording of the law here shapes details in the story in the book of Genesis about Reuben, who had sexual relations with Bilhah, his father's concubine (see Gen 35:22). In that instance we have a polygamous household in which Jacob's

wife Leah was Reuben's mother (Gen 29:32). Bilhah was the slave of Jacob's other wife, Rachel (Gen 30:2–5). Reuben was subsequently cursed by his father, Jacob, for his sexual relationship with Bilhah (Gen 49:4).

Tsevat argues that the taking of a ruler's wives or concubines was a way of asserting or strengthening the claim to royalty on the part of a would-be usurper to the throne ("Marriage and Monarchical Legitimacy in Ugarit and Israel," *JSS* 3 [1958] 237–43). Thus Adonijah's request for David's concubine Abishag led to his execution by Solomon (1 Kgs 2:13–25). Earlier in the narrative story of David's reign, Absalom publicly consorted with David's concubines in his aborted *coup d'état* (2 Sam 16:21–22). Such action violates the law that prohibits marriage to one's father's wife. The tenth commandment declares that a man is not to covet his neighbor's wife (Deut 5:21). This applies even in specific situations where that "neighbor" is one's own father, who may be the king—particularly in the question of succession to the throne.

D. Seven Laws on "True Religion" (23:1–26 [Eng. 22:30–23:25])

1. Admission to the Assembly of YHWH (23:1–9 [Eng. 22:30–23:8])

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Translation and Prosodic Analysis

Restrictions on Entry into the Assembly of YHWH [6] [6]

23:1(22:30) *A man shall not take \ his father’s wife //*

	<i>and he shall not remove / his father's garment // D</i>	12	2
²⁽¹⁾	<i>No one with crushed testicles / or whose penis is cut off /</i>	13	2
	<i>shall enter the assembly of YHWH // D</i>	<u>13</u>	1_
³⁽²⁾	<i>No one "misbegotten" shall enter / the assembly of YHWH //</i>	14	2
	<i>even / to the tenth generation /</i>	8	2
	<i>his descendants shall not enter / the assembly of</i>		
	<i>YHWH // D</i>	<u>13</u>	2_

Exclusion of the Ammonites and Moabites [5:6] [8:8]

⁴⁽³⁾	<i>No Ammonite / or Moabite / shall enter the assembly of</i>	24	3
	<i>YHWH //</i>		
	<i>even / to the tenth generation /</i>	8	2_
	<i>None of them shall enter / the assembly of YHWH \forever //</i>	19	2
⁵⁽⁴⁾	<i>because / they did not meet you \ with bread and water /</i>	21	2
	<i>on the road / when you came out from Egypt //</i>	<u>13</u>	2_
	<i>And because he hired against you /</i>	11	1
	<i>Balaam son of Beor / from Pethor /</i>	12	2
	<i>of Aram-naharaim / to curse you //</i>	11	2
⁶⁽⁵⁾	<i>and YHWH your God / did not consent / to hear Balaam /</i>	<u>24</u>	3_
	<i>And YHWH your God turned for you / the curse / into a</i>	28	3
	<i>blessing //</i>		
	<i>for YHWH your God / loved you //</i>	16	2
⁷⁽⁶⁾	<i>You shall not seek their peace \ and their good //</i>	17	1
	<i>all your days / forever // D</i>	<u>10</u>	2_

Inclusion of the Edomites and the Egyptians [6:5]

⁸⁽⁷⁾	<i>You shall not abhor an Edomite / for he is / your brother // D</i>	19	3
	<i>you shall not abhor an Egyptian / for you were /</i>	13	2
	<i>a sojourner in his land //</i>	9	1_
⁹⁽⁸⁾	<i>Children / born to them / of the third generation //</i>	22	3
	<i>may enter / the assembly of YHWH // D</i>	<u>12</u>	2_

Notes

1.a. Reading *tīphā*' as conj. because when 23:1 is read with the following verse as a prosodic unit, the *atnāh* is displaced.

2.a. Many Heb. MSS and printed editions, Cairo Geniza fragments, and SP read דכה for MT דכא, “crushed.” The two verbal roots have the same meaning, though דכה is found in Scripture only in the book of Psalms.

3.a-a. Omitted in LXX. Prosodic analysis supports MT.

4.a. Omitted in LXX.

4.b. Reading *tiphā*’ as conj. because of misplaced *sillûq*.

5.a. Reading *paštā*’ followed by *zāqēp qāṭôn* as conj.

5.b. LXX and Vg. read pl. Prosodic analysis favors MT.

5.c. SP reads פתרה for MT פתור, “Pethor.”

7.a. Reading *tiphā*’ as conj. because of misplaced *’atnāh*.

8.a. A number of Heb. MSS, SP, and Syr. add *waw*-conj.

Form/Structure/Setting

The second major section of laws in the sixth of the eleven weekly portions in the lectionary cycle of Torah readings from Deuteronomy (21:10–25:19) moves from the prohibition of marrying one’s father’s wife (23:1) to the prohibition of remarriage if one’s former wife has remarried in the interim (24:1–4), which is followed by the law on deferral of a new husband from military service (24:5).

The opening words of 23:1, לאִיקַח אִישׁ אֶת־אִשְׁתּוֹ אָבִיו, “a man shall not take his father’s wife,” form an inclusion with the opening words of 22:13, כִּי־יִקַּח אִישׁ אִשָּׁה, “when a man takes a wife,” on accusations of premarital unchastity, which in turn are identical with the opening words of 24:1 and 24:5. The arrangement of the laws from 22:13–23:1 may be outlined as follows:

A False accusation of premarital unchastity (כִּי־יִקַּח אִישׁ אִשָּׁה)	
B Premarital unchastity—woman dies	<u>22:13–19</u>
X Adultery with married woman or betrothed virgin—both die	<u>22:20–21</u>
B’ Rape of betrothed or unbetrothed virgin man dies or is fined	<u>22:22–24</u>
A’ Marrying a father’s wife prohibited (לֹא־יִקַּח אִישׁ אֶת־אִשְׁתּוֹ אָבִיו)	<u>22:25–29</u>
	<u>23:1</u>

The focus of attention in this structure is on the seventh commandment, which prohibits adultery, where both parties face the death penalty (22:22–24). The inner frame moves from the mortal sin of a woman in sexual matters (premarital unchastity, 22:20–21) to

that of a man (rape of a betrothed virgin, 22:25–29). The outer frame moves from a specific action on the part of a man who falsely accuses his wife of premarital unchastity (22:13–19) to a general prohibition against a man marrying his father’s wife (23:1). Both of these laws are introduced by the words “when a man takes a woman” (22:13; 23:1).

In addition to its role in the above structure, 23:1 also functions as the introduction to another literary unit that may be outlined as follows:

A Laws on marriage and war (לֹא־יִקַּח אִישׁ אֶת־אִשְׁתּוֹ אָבִיו) in <u>23:1</u>	
	<u>23:1–15</u>
B The law of asylum for the fugitive slave	
	<u>23:16–17</u>
X The law prohibiting “holy prostitution”	
	<u>23:18–19</u>
B’ Laws on the protection of the poor and vulnerable	
	<u>23:20–26</u>
A’ Laws on marriage and war (כִּי־יִקַּח אִישׁ אִשָּׁה) in <u>24:1</u> and <u>5</u>	
	<u>24:1–5</u>

The center in this structure associates the seventh commandment, the prohibition of adultery, with the worship of YHWH (commandments 1–3) in what I call here “holy prostitution,” and thus forms an inclusion of sorts with the whole of the collection of laws in 12:1–14:21 (“Right Worship—Relationship to God”) as well. The outer frame moves from laws that link war and marriage (23:1–15) to another shorter series on the same topic (24:1–4). As was the case for the laws in 22:13–23:1, both of these sections are introduced by the words “when a man takes a woman” (23:1; 25:1) with repetition of the same words in 25:4. The theme of marriage in both instances is expanded into that of war, moving from the law on the sanctification of the military camp (23:10–15) to the deferral of a new husband from military service (24:5). The inner frame picks up another central theme, which is expanded in depth in the thirteen laws in 24:5–25:19 on the protection of the poor and vulnerable in the society of ancient Israel (23:16–17; 23:20–26).

Having raised the issue of the relationship between the prohibition of adultery and the worship of YHWH within the larger structural design of 23:2–24:4 as a whole, the author’s attention focuses first on the assembly of YHWH and the question of membership. The regulations in vv 2–9 bar specific types or groups of people from entering the assembly of YHWH: certain individuals, on the basis of physical impairment of the means of procreation or the questionable nature of their birth in relation to the matter of “holy prostitution” (vv 2–3); and certain aliens—Ammonites and Moabites (vv 4–7), and, at least temporarily, Edomites and Egyptians (vv 8–9).

From a prosodic perspective, 23:1 functions as a rhythmic bridge. When read as a 2:2 unit by itself (in terms of syntactic accentual stress units), it concludes the previous section of laws pertaining to marital and sexual misconduct (22:13–23:1). But when read with what follows, it becomes an integral part of a transitional 6:6 rhythmic unit, which introduces a section of laws on social ethics (23:1–24:5). Within this context, it is closely tied to vv 18–19 (the prohibition of “holy prostitution”) and to 24:1–5, which begins and ends with repetition of the opening words of 22:13 (which are modified slightly at the beginning of 23:1): “when a man takes a woman.”

The place of the laws on admission to the assembly of YHWH in 23:2–9 within the larger structure of 23:2–26 may be outlined as follows:

A The assembly of YHWH	<u>23:2–9</u>
B Sanctity of the military camp	<u>23:10–15</u>
X Protection of poor and vulnerable: asylum for escaped slaves	<u>23:16–17</u>
B' Prohibition of “holy prostitution”	<u>23:18–19</u>
A' Three laws on protection of the poor and vulnerable	<u>23:20–26</u>

If there is substance in this structural outline, the outer frame suggests that the assembly of YHWH (23:2–9) includes the poor and the vulnerable as a primary category. The center of this structure defines the assembly of YHWH in relation to escaped slaves who find asylum in the promised land (23:16–17). The inner frame explores another dimension of the assembly of YHWH in the image of the military camp (23:10–15), the sanctity of which is in some way related to the law prohibiting “holy prostitution.” This larger structural design provides the basis for a fresh look at the laws on “misbegotten folk” who are excluded from the assembly of YHWH in 23:2–3.

Though the MT of 23:1–9 contains six *šetûmā*’ layout markers (after vv 1, 2, 3, 7, 8a, and 9), the passage is in five parts in terms of its prosodic structure, which may be outlined as follows:

A No one who abuses procreative powers is allowed in the assembly	<u>23:1–2</u>
B No one “misbegotten” in the assembly—to the tenth generation	<u>23:3a</u>
X Their descendants are excluded from the assembly of YHWH	<u>23:3b</u>
B' No Ammonite or Moabite in the assembly—to the tenth generation	<u>23:4–7</u>
A' Edomites and Egyptians may enter the assembly in the third generation	<u>23:8–9</u>

The break between vv 5a and 5b is marked with the *Numeruswechsel* (change from second sg. to second pl. forms and back again to second sg.). The central aspect of YHWH’s promised blessing to Abraham, Isaac, and Jacob is that of fertility. Consequently those who abuse their procreative powers, or who are unable to participate in the blessing itself, are barred from membership in the assembly of YHWH. In particular this means Ammonites and Moabites, who are presented in Genesis as the incestuous offspring of Abraham’s nephew Lot. In spite of immediate hostility on the part of Edom and Egypt in the generation of the exodus from Egypt, these nations are presented as “brothers” (Esau/Edom) and friends. As such they are welcome in the assembly of YHWH.

After the opening verse (23:1), which also functions as the conclusion to the previous section of laws on marital and sexual misconduct (22:13–23:1), the transitional list of restrictions on entry into the assembly of YHWH and the exclusion of the Ammonites and Moabites in vv 2–4 are marked with a fourfold repetition of the words

“he shall not enter” (לֹא־יָבֹא) at the beginning of each line in the Hebrew text, in the familiar pattern of three plus one in Jungian psychology: eunuchs, “misbegotten ones” (ממזר), and the “children of Lot,” followed by a general reference: “none of them shall enter the assembly of YHWH forever” (v 4c).

Another way of looking at the structure of this section is to examine in detail the exclusion of the “sons of Lot” and the inclusion of the “sons of Esau” (Edomites) and Egyptians in vv 4–9, which may be outlined as follows:

A No Ammonite or Moabite in the assembly to the tenth generation	<u>23:4</u>
B They opposed you when you came up out of Egypt—hiring Balaam	<u>23:5</u>
X YHWH turned the curse to a blessing—do not seek their peace	<u>23:6–7</u>
B' Edom is your brother and you were a sojourner in Egypt	<u>23:8</u>
A' No Edomite or Egyptian in the assembly—to the third generation	<u>23:9</u>

The focus of attention in this reading shifts from that of the exclusion of the descendants of the “misbegotten folk” from the assembly of YHWH (vv 1–9) to the fact that YHWH has turned Balaam’s curse into a blessing (vv 6–7). One wonders if this is not a subtle anticipation of a future change, as God once again turns a curse into a blessing—when the “sons of Lot” are included in the assembly of YHWH in the book of Ruth.

Carmichael has shown that there is a specific link between the laws of Deuteronomy and the narrative in Genesis (esp. in *LNB*). Since Deuteronomy is essentially the farewell address of Moses to the assembly of the children of Israel, it is not surprising to find a link between it and Jacob’s (Israel’s) parting words to his twelve sons in Gen 49. There is also a link between Jacob’s poetic words of blessing and the narrative stories that precede it in Genesis. What is important to note here, as we move from the sex laws of 22:13–23:1 to the laws in 23:2–9 about who is to be admitted into and who is to be excluded from the assembly of YHWH, is Israel’s place among the nations.

In the narratives of Genesis, the change of Jacob’s name to that of Israel is recorded twice within a concentric structural design:

A Story of Jacob’s family begins: Jacob returns from Aram	<u>32:1–3</u>
B Jacob sends presents to appease Esau (Edom)	<u>32:4–22</u>
C Jacob and a “man” at the Jabbok—name changed to Israel	<u>32:23–33</u>
D Jacob/Israel and Esau/Edom are reconciled	<u>33:1–17</u>
X Jacob/Israel erects an altar at Shechem	<u>33:18–20</u>
D' Jacob/Israel and the Hivites are alienated: rape of Dinah	<u>34:1–24</u>
C' Jacob and an “angel” at Bethel—name changed to Israel	<u>35:1–15</u>
B' The descendants of Esau (Edom): genealogical lists	<u>36:1–43</u>
A' Story of Jacob’s family resumes: Joseph sold into Egypt	<u>37:1–36</u>

As shown in the discussion below, the narrative structure outlined here is an expansion of the laws in Deut 23:1–24:4. It is also the same as the overall structure of the story of Abram/Abraham in Gen 12:

A Abram leaves Mesopotamia for the land of Canaan	<u>12:1–4</u>
B Abram arrives in the land of Canaan with his household	<u>12:5</u>
X Abram erects an altar to YHWH at Shechem	<u>12:6–8</u>
B' Abram journeys from the Negev to Egypt in time of famine	<u>12:9–16</u>
A' Abram leaves Egypt after YHWH afflicts Egypt with plagues	<u>12:17–20</u>

The story moves from Mesopotamia (32:1–3) to Egypt (Gen 37), with the erection of an altar for the worship of YHWH at Shechem in the land of Canaan at its center. This altar is “the place that YHWH has chosen to make his name dwell there”—the site of the central sanctuary in Deuteronomy (see Deut 26–27). In the inmost frame we find Israel and Edom reconciled (Gen 33:1–17), and Israel and the Hivites in the land of Canaan alienated (Gen 34). The next frame contains the parallel accounts of the change of Jacob’s name to that of Israel (32:23–33 and chap. 35). The next frame focuses on Edom, Israel’s “twin brother” (32:4–22 and chap. 36). The outer frame moves from Laban’s departure from his son-in-law Jacob in the land of Aram (32:1–3) to Joseph’s arrival in Egypt as a slave in the house of Potiphar (chap. 37).

The second account of the change in Jacob’s name to Israel includes the repetition of the blessing originally given to Abraham (Gen 15 and 17), in which he is told to “be fruitful and multiply; a nation and a company of nations shall come from you, and kings shall spring from you” (35:11). This statement and the narratives that follow in Genesis on the matter of maintaining the family line are an expansion of the law that “no one with crushed testicles or whose penis is cut off shall enter the assembly of YHWH” (Deut 23:2). The concern of the law is that of procreation so as to “be fruitful and multiply” as God commanded.

Carmichael argues that “Reuben was Jacob’s firstborn, the one through whom the line of descendants should have proved most prominent. He was the first fruit of his father’s virility (Gen 49:3)” (*LNB*, 226). But Reuben misused his sexual potency in lying with his father’s concubine Bilhah; in so doing he took “his father’s wife” and he “remove(d) his father’s garment” (Deut 23:1). This is why Moses had so little to say about Reuben in his own blessing in 33:6.

The law on the exclusion of eunuchs from YHWH’s assembly in 23:2 carries the matter a significant step further. The man whose testicles are crushed or whose penis is cut off cannot produce offspring and thus is unable to participate in YHWH’s blessing upon the line of Jacob/Israel. Jacob’s pronouncement on Reuben is followed immediately by harsh words concerning his brothers Simeon and Levi and their actions recorded in Gen 34, where the Hivites attempted to associate with Jacob and his sons by means of marriage and commercial transactions. Simeon and Levi were opposed to this idea of “mixed seed,” so they tricked the Hivites into becoming circumcised and then killed all the males. The Hivite wives and children, however, were absorbed into the family line of Jacob/Israel. Circumcision ordinarily indicates inclusion in the community of Israel; “but in this instance it was used to facilitate forcible exclusion from it” (Carmichael, *LNB*, 227). The primary reason for excluding “eunuchs” from the

assembly of YHWH is that such people cannot participate in God's blessing of fertility bestowed on Abraham (Gen 15, 17, 22), Isaac (Gen 26), and Jacob/Israel (Gen 35).

The capacity to reproduce, however, is not sufficient reason to be included in the assembly of YHWH. The manner of conception renders some unacceptable; this is what is meant by the law of the "misbegotten" (ממזר) in 23:3. Though the term ממזר may refer to the offspring of those who are dedicated to the service of another deity such as the prophet Balaam of vv 5–6, it is more interesting to observe how the law was expanded in the narrative tradition of Genesis as the basis for understanding the subsequent exclusion of the Ammonites and Moabites.

If the law of Deut 23:1 was interpreted by Genesis as condemning Reuben for "removing his father's garment," that is, lying with his father's wife, so it implicitly condemned Lot's daughters for "uncovering their father's nakedness" in Gen 19:30–38 so as to "preserve offspring through [their] father" (19:34). The result of this incestuous union was the birth of Moab and his brother Ben-ammi, the father of the Ammonites (19:37–38). "It is also noteworthy that just as Simeon and Levi caused the Hivites to be off their guard by encouraging them to undergo circumcision, so Lot's daughters achieved a similar result by getting him drunk. In each instance, someone resorts to a ruse, and each time the ruse's focus is genital" (Carmichael, *LNB*, 229). The law here that excludes the "misbegotten" products of an incestuous union indicates "that some increases are incompatible with the legal and moral conditions under which this blessing operates" (*LNB*, 230). Two specific historical arguments are added to underscore the decision to exclude future generations of Ammonites and Moabites. They did not come through with provisions of bread and water when Israel traveled from Egypt, and they hired Balaam to curse Israel.

The law excluding Ammonites and Moabites from the assembly of YHWH in 23:4–5 may be related to the narrative in 1 Kings on David and his grandson Rehoboam, as Milgrom has suggested (*JBL* 101 [1982] 173–74). He sees the law as a polemic against these two Judean monarchs who were born, respectively, of Moabite (Ruth 4:18–22) and Ammonite (1 Kgs 14:31) ancestry. From the perspective of a writer in the Northern Kingdom of Israel this lineage demonstrates the illegitimacy of Judah, whose founding kings are thus both "misbegotten" (ממזר) and should have been excluded from the assembly of YHWH's people.

The law that admits Edomites and Egyptians to the assembly of YHWH "in their third generation" (Deut 23:8–9) leads us back to the narrative structure of Gen 32–37. The Edomites are to be included because Edom "is your brother" (v 8). The narrative structure in Genesis spells out in detail what this means when Jacob/Israel and Esau/Edom are reconciled (Gen 32–33) and Edom participates in the blessing of YHWH, as the genealogies of Esau in Gen 36 demonstrate. Jacob/Israel was well received by his brother Esau, in spite of the fact that Jacob had cheated him out of his birthright. Contrary to Jacob's fears as he crossed the Jabbok on his return to the land of Canaan, Esau proved to be friendly and helpful. "He even suggested that some of his people might join Jacob's to help out (Gen 33:15). In other words, the narrative itself mentions the incorporation of the Edomites into Jacob's assembly" (Carmichael, *LNB*, 233).

The Egyptians are to be included because "you were a sojourner in his land" (v 8); thus the narrative story of Jacob's family continues in Gen 37 by quickly moving Joseph from the land of Canaan to the household of Potiphar in the land of Egypt. After an interlude with the story of Judah and Tamar (Gen 38), the story resumes with Jacob's entire family moving to Egypt (45:16–20) and prospering.

The evidence from Labuschagne's study on the use of the divine-name numbers 17 and 26 in 23:1–26 may be summarized as follows:

Words	before 'atnā	after 'atnā					
:	ḥ	ḥ					
<u>23:1–9</u>	66		+	51	(= 3 × 17)	=	117
<u>23:10–15</u>	43	(= 17 + 26)	+	37		=	80
<u>23:16–17</u>	15		+	7		=	22
<u>23:18–24</u>	43	(= 17 + 26)	+	51	(= 3 × 17)	=	94
<u>23:18–26</u>	58		+	61		=	119 (= 7 × 17)
<u>23:1–26</u>	182	(= 7 × 26)	+	156	(= 6 × 26)	=	338 (= 13 × 26)
<u>23:11–15</u>	38		+	34	(= 2 × 17)	=	72
<u>23:14–15</u>	18		+	16		=	34 (= 2 × 17)
<u>23:16–18</u>	20		+	12		=	32 (= כבוד, "glory")
<u>23:19</u>	11		+	6		=	17
<u>23:22</u>	8		+	9		=	17

The prohibition of marrying one's father's wife in 23:1, which is structurally part of the previous section as well, and the seven laws on true religion in 23:2–26 are carefully constructed on the basis of the divine-name numbers. In the opening section (vv 1–9), which deals with those who are restricted from admission to the assembly of YHWH, there are 51 (= 3 × 17) words after 'atnāḥ. The law on the sanctity of the military camp (vv 10–15) has 43 (= 17 + 26) words before 'atnāḥ. Though the law on asylum for

fugitive slaves (vv 16–17) shows no evidence of the divine-name numbers, the next three laws fall together in vv 18–24 with 43 (= 17 + 26) words before *'atnāḥ* and 51 (= 3 × 17) words after *'atnāḥ*. When these three verses are joined with the law on the right to eat from a neighbor's unharvested crop (vv 25–26), the total number of words in vv 18–26 comes to 119 (= 7 × 17). Moreover, we find a grand total of 338 (= 13 × 26) words in the chapter as a whole (23:1–26), with 182 (= 7 × 26) words before *'atnāḥ* and 156 (= 6 × 26) words after *'atnāḥ*. In short, the mathematical composition of this passage presents further evidence of the incredible labor of love on the part of ancient scribes (“counters”) in Israel who produced a carefully constructed literary work of art in which God’s name is woven into the fabric of the Hebrew text.

Comment

1 See previous section, “Prohibition of Marrying One’s Father’s Wife (23:1 [Eng 22:30]).”

2 Two types of emasculation are presented here: “crushed testicles” (פצוע־דכא) and those “whose penis is cut off” (וכרות שפכה). Either condition excludes the person from membership in “the assembly of YHWH” (קהל יהוה). Though Tigay maintains that “it is not known which part of the genitals the noun *shofkha*, from a root meaning ‘pour,’ refers to” ([1996] 386 n. 23), it would appear that it is the male organ, the penis. The prohibition was probably not aimed at those emasculated by accident or illness, as Craigie has noted ([1976] 296–97), for Isa 56:3–5 makes reference to eunuchs as among YHWH’s people. On eunuchs see H. Tadmor, “Rab-saris and Rab-shakeh in 2 Kings 18,” in FS *D. N. Freedman* [1983] 279–85; idem, “Was the Biblical *saris* a Eunuch?” On ritual self-castration, see Lucian of Samosata, *The Syrian Goddess (De dea Syria)*, tr. H. W. Attridge and R. Oden, Texts and Translations 9 (Missoula, MT: Scholars Press, 1976) 55, §51.

3 The term ממזר, translated here as “misbegotten” with JPS *Tanakh*, appears to derive from the root מזר, “be bad” (of eggs), or “be foul” (corrupt, rotten). The term appears only twice in the OT, here and in Zech 9:6. Craigie suggested that the term refers to children born to cult prostitutes (see vv 18–19 below), and supports his case with the following etymology: *mamzēr* < *manzēr* (hiph. ptc. of נזר, “dedicate, consecrate”). “The ממזר would thus be a child ‘dedicated’ to a foreign god, by reason of its conception during some kind of temple fertility ritual” ([1976] 297 n. 8). The larger literary structure of the laws in 23:1–24:4, as discussed in the introduction to this section of the commentary, lends some support to Craigie’s interpretation; for the text here is to be read in relation to the law on “holy prostitution” in 23:18–19. The reference to “the tenth generation” here probably means “forever,” as it does in v 4. That the story of Ruth challenges the permanent exclusion of Moabites suggests that liberalization is in order on this point as well, and seems to reflect the outlook of the author of Isa 56:3–5, at least in regard to eunuchs and the community of faith.

4–7 “Ammonite(s)” and “Moabite(s)” are permanently excluded from the “assembly of YHWH—even to the tenth generation,” which is explained in poetic parallelism to mean “forever.” As Keil and Delitzsch put it, the ten here “is the number of complete exclusion” (*Pentateuch* [1956]. 414). The reason for their exclusion is based on specific

historical experiences: “they did not meet you with bread and water on the road when you came out from Egypt.” Moreover, the king of Moab hired “Balaam son of Beor from Pethor of Aram-naharaim to curse you” (see Num 22–24). On the specific territory covered by the term “Aram-naharaim” in northern Mesopotamia, see W. Pitard in *ABD* 1:341. In light of this past experience the people of Israel are told not to establish a friendly relationship with these peoples: “you shall not seek their peace [שְׁלוֹם] and their good [טוֹבָה],” in the sense of seeking a political alliance. Craigie ([1976] 298) argued that seeking “peace, friendship” reflects the terminology of Near Eastern political treaties (cf. Moran, *JNES* 22 [1963] 173–76; and Hillers, *BASOR* 176 [1964] 46–47). King David eventually subdued them and incorporated the Ammonites, Moabites, and Edomites into his empire (2 Sam 8:2–12).

8–9 The “Edomite(s)” and the “Egyptian(s)” are treated here with much greater leniency in a temporary exclusion from entering “the assembly of YHWH”—“children born to them of the third generation” qualify for inclusion. The designation of Edom as “your brother” (אֶחָיִךְ) stems from the story of Esau, twin brother of Jacob (Israel), in Gen 36. Glueck considered the verb “abhor” (תִּתְעַב) to be precisely the opposite of “lovingkindness” (חֶסֶד; *Mordecai Kaplan Jubilee Volume*, 261–62). In spite of their experience as slaves in Egypt, the people of Israel are reminded that “you were a sojourner [גֵּר] in his land.” The reference to “the third generation” is counting from the first generation that arrived in the land of Israel, much the same as the term “third-generation American” is used today, that is, the grandchildren of the original immigrant.

Explanation

The reasoning behind the laws restricting entry into the assembly of YHWH in 23:2–9 suggests the principle that only those who are perfect physically and not the product of some unnatural union should be members of the covenant community in ancient Israel. The situation is somewhat similar to a superficial reading of the words of Jesus in the Sermon on the Mount: “You, therefore, must be perfect, as your heavenly Father is perfect” (Matt 5:48). The holiness of God demands perfection in those who would approach his presence. In the gospel of the *NT*, this perfection is found in Christ, who provides the means of access to God for all people, regardless of their imperfections, whether moral, physical, or spiritual. The follower of Jesus stands in God’s presence as perfect—clothed in the perfection of Jesus himself.

Though the people of Israel believed that God was not pleased or honored with bodily mutilation of any kind, they did come to realize that God’s mercy extends even to eunuchs who faithfully keep his commandments (Isa 56:4–5; cf. also the story of the conversion of the Ethiopian eunuch under the ministry of Philip in Acts 8:27–39).

Tigay sees the “assembly” mentioned here as “the national governing body of the Israelites, that is, the entire people, or all the adult males, meeting in plenary session, and perhaps sometimes to their representatives acting as an executive committee. This Assembly convenes to conduct public business such as war, crowning a king, adjudicating legal cases, distributing land, and worship. It is synonymous with *edah*, ‘community,’ which likewise refers to the entire nation, to the adult males (especially those bearing arms), and perhaps to the tribal leaders acting as an executive on behalf of the nation” ([1996] 210). He compares the assembly with similar popular assemblies in

the ancient world, such as the *ekklesia* in Athens and the *puhrum* in the cities of Mesopotamia. The point here in vv 2–9 is that certain types of people, within the national entity itself (vv 2–3) and among neighboring peoples (vv 4–9), are not permitted to become members of this governing assembly.

It should be noted that Deuteronomy presents a more complicated picture than what Tigay has described in terms of the city-state models found in ancient Greece and Mesopotamia. There were two types of “assemblies” in premonarchic Israel: that of the central sanctuary at the pilgrimage festivals and in times of national crisis, and local assemblies within the structure of the Levitical cities (particularly the six cities of refuge). The assembly of YHWH (קהל יהוה) probably includes both levels in this religio-political structure. The point of the law here seems to be that certain individuals and groups of people are excluded from “citizenship” within these gatherings that took place every seven weeks in the עצרת, “sacred assemblies,” some of which were held locally and others at “the place God chooses to cause his name to dwell,” that is, at the central sanctuary.

Whatever the assembly was in the society of ancient Israel, the people of YHWH as envisioned in the Latter Prophets, the Writings of the Hebrew Bible, and in the *NT* of the Christian Bible took on a different character. See D. Christensen, “Nations,” *ABD* 4:1037–49; idem, *FS R. K. Harrison*, 251–59.

2. Sanctity of the Military Camp (23:10–15 [Eng. 9–14])

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See also *Bibliography* for 20:1–20.

Translation and Prosodic Analysis

The Sanctity of the Military Camp [(4:8):(5:4):(4:5):(8:4)]

¹⁰⁽⁹⁾ <i>When you go forth as an army camp \ against your enemies //</i>	16	1
<i>then you must be on guard / against any / evil thing //</i>	<u>14</u>	3_
¹¹⁽¹⁰⁾ <i>When there is among you \ a man /</i>	8	1
<i>who / is not clean / because of an event in the night //</i>	18	3
<i>Then he shall go outside / the camp /</i>	13	2
<i>he shall not come into the midst / of the camp //</i>	<u>14</u>	2_
^{12(11)a} <i>And it shall be toward evening / he is to bathe in water //</i>	16	2
<i>and at sundown / he may come / into [the midst of] the camp //</i>	17	3
¹³⁽¹²⁾ <i>and you shall have / a latrine / outside / the camp //</i>	14	4_

<i>And you shall go to that place / outside //</i>	12	2
¹⁴⁽¹³⁾ <i>and you shall have / a trowel \ among your implements //</i>	15	2
<i>So that / when you squat outside / you may dig a hole with it /</i>	19	3
<i>and you shall turn / and you shall cover your excrement //</i>	<u>15</u>	2_
¹⁵⁽¹⁴⁾ <i>For YHWH your God / walks about / in the midst of your camp /</i>	22	3
<i>to deliver you /</i>	6	1
<i>And to hand over your enemies / before you /</i>	17	2
<i>so your camp must be / holy //</i>	<u>13</u>	2_
<i>And let him not find among you / a naked thing /</i>	12	2
<i>that he should turn away / from you //</i> ס	<u>10</u>	2_

Notes

10.a. Reading *tīphā*’ as conj. because of misplaced *’atnāh*.

11.a. Reading *paštā*’ followed by *zāqēp qātôn* as conj.

11.b. Some Heb. MSS, LXX^N, Syr., and Vg. add *waw*-conj.

12.a-a. Deleting **תוֹךְ**, “midst,” with one Heb. MS, SP, and Vg. SP reads **כי אם**

רחץ בשרו במים ובא השמש ואחרי כן יבוא אל המחנה, “for if he washes his flesh in water and the sun sets, then afterward he may enter the camp.” The omission of this one word achieves perfect word counts—before *’atnāh*, after *’atnāh*, and in the grand total for 23:1–26 as a whole. All are divisible by the divine-name number 26.

12.b. Omitted in one Heb. MS, SP, and Vg. Prosodic analysis favors MT.

13.a. LXX reads *καὶ τόπος*, “and (there shall be) a place,” which may be an interpretation of the unusual use of the word **יד**, “hand,” here. On the use of the word **יד** as a euphemism for phallus, see Isa 57:8 (**יד חזית**), “a phallus you behold,” according to a number of commentators; see BDB, 390). The use of **יד** with the meaning of “side” (= “place”) appears also in Num 2:17 and Jer 6:3. The “place” here is taken as a euphemism for “latrine.”

13.b. SP reads **החוצה** for MT **תוֹךְ**, “outside.”

14.a. Reading *tīphā*’ as conj. because of misplaced *’atnāh*.

14.b. Reading **אזנדך**, “your [sg.] implement(s),” as collective. A number of Heb. MSS and Cairo Geniza fragments read **אזניך**, “your implements”; LXX reads *ἐπὶ τῆς ζώνης σου*, “your girdle,” or warrior’s waistcloth (= **אזרך**).

14.c. SP reads החוצה for MT חוץ, “outside.” Prosodic analysis favors MT.

15.a. Many Heb. MSS, Cairo Geniza fragments, and SP read מחניך, “your camps,” for MT מחנך, “your camp”; Tg. Ps.-J. has 2 pl.

15.b. LXX reads sg. איבך, “your enemy,” for MT איביך, “your enemies.”

15.c. Reading מהנך, “your camp,” for MT מהניך, “your camps,” with many Heb. MSS, Cairo Geniza fragments, SP, LXX, Syr., and Tg. Prosodic analysis favors the emendation, which improves the balance in terms of mora count.

Form/Structure/Setting

The concept of the assembly of YHWH in ancient Israel as a military camp in which “YHWH your God walks about in the midst of your camp to deliver you and to hand over your enemies before you” (v 15) points to what I have earlier described as “Holy War as Celebrated Event” (see *Excursus*: “Holy War as Celebrated Event in Ancient Israel”). Impurity is incompatible with the presence of God and must be removed: “Thus you shall keep the people of Israel separate from their uncleanness, lest they die in their uncleanness by defiling my tabernacle that is in their midst” (Lev 15:31; see J. Milgrom, “Excursus 49: The Effect of the Sinner upon the Sanctuary,” in *Numbers*, JPS Torah Commentary [Philadelphia: Jewish Publication Society, 1990] 444–47).

A man who experienced a nocturnal emission within the military camp was considered unclean and was ordered to leave the camp in order to purify himself before reentering the camp at sundown (vv 11–12). Though the routine act of defecation is not described as something that makes a person ritually unclean in the same manner as a nocturnal emission of semen, specific instructions are given to make sure that excrement is properly disposed of outside the boundaries of the camp.

The two key words in this passage are the noun מחנה, “army camp,” which appears seven times in six verses, and the verb יצא, “to go forth,” which appears four times, in the following sequences:

מחנה → למהנה → המחנה (twice) → למחנה → מחנך (twice)

תצא → ויצא → ויצאת → צאתך

In the first instance, it is “an army” (מחנה) that “goes forth” (תצא) against “your enemies” (v 10). The second occurrence presents a specific case when an individual soldier is required to leave the camp because of a certain “event in the night” (v 11). Having stated the matter in the third person for this particular case, the focus shifts to a general command in the second person: a latrine is to be located outside the camp (מחוץ למחנה) to which “you must go” (ויצאת, v 13) and there you must cover up what “goes forth from you” (צאתך), “your excrement” (v 14). YHWH himself “walks

about in the midst of your camp” (מתהלך בקרב מחנך, v 15), as he did in the garden of Eden (cf. Gen 3:8; cf. also התהלך as used of both Enoch and Noah in Gen 5:22, 24, and 6:9, where it denotes intimacy). Therefore “your camp” (מחנך) must be kept holy (v 15). Otherwise YHWH might soil himself by stepping in your mess as he walks with you in the battle camp.

Those who object to such an anthropomorphic portrayal of God need to recognize that the language here is poetic and symbolic, even metaphorical in nature—much like the language of Gen 1–11. R. Norman Whybray (*Introduction to the Pentateuch* [Grand Rapids: Eerdmans, 1995] 33–34) saw the same phenomenon in his reading of Gen 1–11 when he wrote:

One may say that the author [of Gen 1–11] presents the reader with a rather unexpected portrait of God. Despite the assurance at the beginning (1:31) that when God surveyed his creative actions he concluded that the result was wholly good, God appears quite soon to be somewhat nervous about what he has done and, in particular, concerned about his own supremacy over his creatures. He sets conditions to mankind’s freedom (2:17) and threatens immediate death as a consequence of disobedience, a threat that the snake—quite correctly, as it turns out—flatly rejects, calling God a liar. When the act of disobedience has been committed, God betrays nervousness about the possibility that mankind may now go further and seize the immortality which properly belongs only to God (3:22). The same anxiety betrays itself in the final episode of these chapters (11:6), when God fears that mankind may succeed in wresting unlimited (i.e., divine) power for themselves. In both cases God takes steps to forestall such ambitions. Meanwhile the mysterious incident of the union of the “sons of God” with the daughters of men (6:1–2) also seems to have been regarded by God as containing a threat of immortality human or semi-divine (compare 3:22), which needed to be suppressed.

This startling portrayal of the character of God appears to be shaped, at least in part, by the poetic language of the law on sanctity of the military camp in Deut 23:15 (Eng. 23:14).

The boundaries of the law on the sanctity of the military camp in 23:10–15 are marked with the *šetûmā*’ layout markers after vv 9 and 15. The words translated “evil thing” (דבר רע, v 10) and “naked thing” (ערות דבר, v 15b) function as an inclusion within which further repetition of words and phrases appear in a nested concentric structure:

A	“Be on guard against any evil thing”	ונשמרת מכל דבר רע	23:10
B	“He shall go forth”	ויצא	23:11
C	“outside the camp”	אל-מחוץ למחנה	
D	“He shall not reenter the camp”	לא יבא אל-תוך	

המחנה			
X	“He shall bathe in water ...”	ירחץ במים	<u>23:12</u>
D'	“He shall reenter the camp”	יבא אל-תוך המחנה	
C'	“for you outside the camp”	לך מחוץ למחנה	<u>23:13a</u>
B'	“He shall go forth outside”	ויצאת שמה חוץ	<u>23:13b-14</u>
A'	“Let him not find ... a naked thing”	ולא־יראה בד ערות דבר	<u>23:15</u>

Taking v 12 as the center, one may outline the content of the law in 23:10–15 in a concentric structural design:

A	When in the camp, be on guard against any evil thing (דבר רע)	<u>23:10</u>
B	When an event in the night occurs, a man must leave the camp	<u>23:11</u>
X	After purification, he may reenter the camp at sundown	<u>23:12</u>
B'	You shall defecate outside the camp and cover your excrement	<u>23:13–14</u>
A'	YHWH is in the camp; let him not find a naked thing (ערות דבר)	<u>23:15</u>

The focus of attention in this structure is on the sanctity of the military camp and the ritual purification required of those who are temporarily unclean (v12). The outer frame moves from an injunction to be on guard against any “evil thing” that may lead to defilement (v 10), for YHWH himself walks in your midst as the camp goes forth against your enemies to deliver you: “your camp must be holy; and let him not find among you a naked thing that he should turn away from you” (v 15). The inner frame moves from a somewhat enigmatic reference to some “event in the night” that makes a person unclean (v 11), to specific instructions regarding defecating outside the camp and covering one’s excrement (vv 13–14). The “naked thing” (ערות דבר) is something exposed for all to see that ought not to be exposed, such as excrement that one might inadvertently step in.

The previous law about the inclusion of Edomites and Egyptians in the assembly of YHWH suggests the possibility that people may be excluded from the community for a while and then be readmitted to the “camp.” This idea is taken up in the law of the army camp, for a man may be excluded temporarily because of impurity.

The law on cleanliness in the army camp (23:10–15) is expanded in story form in Gen 32 (see Carmichael, *LNB*, 234–37). The passage begins with a note in Gen 32:2–3 (Eng. 1–2) in which Jacob encounters angels of God (מלאכי אלהים) at a place

called Mahanaim (מַחֲנֵיִם, “two army camps”). When Jacob saw the angels of God (מַלְאֲכֵי אֱלֹהִים), he said, “This is God’s army!” (Gen 32:2–3). In the fascinating story of what took place later “that same night” (32:23), Jacob wrestled with a man who “touched the hollow of his thigh” (32:24) and crippled him in a manner that disqualified him temporarily for inclusion “within the camp.”

In the law of Deut 23:10–15, the warrior who is made unclean by virtue of a nocturnal emission must leave the camp and remain outside until evening, and then return only after performing the appropriate ablutions. Jacob’s experience is different, as Carmichael has noted (*LNB*, 237): “he remains in camp and receives a divine blessing, followed next morning by success in the face of Esau’s expected enmity.”

According to the law, the army camp is sacred space, “for YHWH your God walks about in the midst of your camp to deliver you and to hand over your enemies before you” (v 15). The implications are clear: the assembly of YHWH is to be understood in the imagery of a military camp and YHWH himself is the Divine Warrior, “so your camp must be holy” (v 15).

Comment

10 On the translation “army camp” for מַחֲנֵה see Gen 32:2. The reference to “when you go forth as an army camp against your enemies” probably refers to more than normal military situations, however, for the people of Israel envisioned themselves as the “hosts of YHWH” with God himself as a Divine Warrior. In the context of the pilgrimage festivals, particularly in the Feast of Unleavened Bread and Passover as observed at Gilgal near Jericho (see Josh 1–6), the people pitched camp in “battle array” with the ark of the covenant in the tabernacle in the midst of the camp. This tradition was still alive in the community of the Dead Sea Scrolls at Qumran (see Yadin, 73 n. 3, regarding the Scroll of the Sons of Light against the Sons of Darkness). In the camp “you must be on guard against any evil thing” (כָּל דְּבַר רָע). See Deut 17:1, where the phrase כָּל דְּבַר רָע refers to bodily defects in sacrificial animals that disqualify their use. Here it forms an inclusion with the phrase “a naked thing” (עֲרוֹת דְּבַר) of v 15.

11 The “event in the night” (מִקְרָה-לַיְלָה) is defined concretely in the parallel text in Lev 15:16: “And if a man has an emission of semen, he shall bathe his whole body in water, and be unclean until the evening.” The elusive terminology here lends itself well to the symbolic reading of the text proposed by Carmichael in relation to Jacob’s unusual “events in the night” with mysterious visitors sent from God at Bethel (Gen 28) and at the Jabbok (Gen 32).

12–14 The phrase “toward evening” refers to the Hebrew concept of the beginning of a new day at sunset. On the translation “latrine” (דָּ) see Note 13.a above. Though human excrement was not usually described as impure, extreme steps are taken here because of the unusual sanctity of the military camp. “Josephus thought it notable that although defecation is a natural function, the Essenes washed themselves afterward ‘as if defiled’ ” (Tigay [1996] 214, referring to *J. W.* 2.8.9 §149). Most commentators have rendered the term דָּ here as “monument” or “sign” (see Craigie [1976] 299). Though

this is possible, the more likely interpretation is that of a euphemism for “latrine,” in the sense of a place designated for such use in a military bivouac area. See the *Comment* on 11:10, where רגל, “foot,” is so used as a euphemism for the penis. The translation “trowel [יתד] among your implements [אזנד]” is an attempt to interpret the term יתד, which is a pointed digging tool of some sort “like a dibble” (Tigay). The modern traveler in southern Europe (and other places as well) who has puzzled over what to do in moments of distress at certain “public toilets,” which are sometimes nothing more than a hole in the concrete floor, knows what is intended here in the translation “when you squat outside.” As I have observed in rural Egypt, this is much more easily done in the loosely fitting attire of peasants in Middle Eastern countries, where undergarments are often omitted.

15 On the translation of מתהלך as “walks” or “travels,” see Gen 3:8; 1 Sam 30:31; 2 Sam 7:6–7; and Ps 105:13. Tigay ([1969] 214) argues that YHWH as Divine Warrior “walks in the midst of your camp” in the sense of marching with his troops to battle, not that he is “walking about within the camp” (cf. NIV, “God moves about in your camp”). See also 20:4, “YHWH [your God] is the one going with you to fight for you against your enemies to save you.” This is the language of Holy War (see *Excursus*: “Holy War as Celebrated Event in Ancient Israel”). On the imagery of the Divine Warrior marching in the vanguard of his hosts to war, see the archaic poetry of Deut 33:2; Ps 68:8 (Eng. 7); Hab 3:3–9; and D. L. Christensen, “Num 21:14–15 and the Book of the Wars of YHWH,” *CBQ* 36 (1974) 359–60; idem, “The March of Conquest in Isaiah x 27c–34,” *VT* 26 (1976) 385–99. On what it means to “be holy,” see Lev 19:2 and the discussion of B. Levine, “Excursus 6: Biblical Concepts of Holiness (chap. 19),” in *Leviticus*, JPS Torah Commentary (Philadelphia: Jewish Publication Society, 1989) 256–57. Levine’s concluding remarks merit quotation: “The command to achieve holiness, to become holy, envisions a time when life would be consecrated in its fullness and when all nations would worship God in holiness. What began as a process of separating the sacred from the profane was to end as the unification of human experience, the harmonizing of man with his universe, and of man with God” (p. 257). True holiness is a gift from God, not a human achievement. As noted above in the *Comment* on v 10, the phrase translated “a naked thing” (ערות

דבר), in the sense of something exposed or out in the open to be seen by all, forms an inclusion with “any bad thing” (דבר רע). The repetition of the words and sounds ע ר

// ע ר in chiasmic fashion is surely intentional: ערות דבר // דבר רע. The use of the

same words in 24:1, and the parallel expression ערות הארץ, “nakedness of the land,” in Gen 42:9 suggests an idiom of some sort, perhaps analogous to the English expression “caught with one’s pants down.” The “naked thing” in this instance is essentially the female genitals (cf. also Lam 1:8, of the personified city of Jerusalem), such that it may be understood as “caught with her pudenda exposed,” an idiom for something shameful and offensive. See the discussion of 24:1.

Explanation

The motivation for cleanliness in the army camp is the holiness of God, who marches with his troops to battle. Though the laws on sanctity of the military camp in 23:10–15 applied specifically to those times when Israel actually went forth to fight against enemy nations, they were also operative in annual pilgrimage festivals when the people gathered to reenact YHWH's Holy War and pitched their tents in battle formation about the ark of the covenant and the portable tent shrine, which was set up in the midst of the camp, particularly during the spring celebration of Passover and the Feast of Unleavened Bread in the vicinity of Jericho in premonarchic Israel.

The people of Israel were commanded to keep their camp pure from all forms of pollution. The individual soldiers were to be “on guard against any evil thing” (v 10). In executing their commission they must keep themselves from moral pollution in terms of overt sin or contact with idols and the accursed things found in the camps they plundered. They must also keep themselves from ceremonial and natural pollution of all sorts, such as an “event in the night,” which is normally understood to be an involuntary nocturnal emission of semen (cf. Lev 15:16–18). If this were to occur at home, a man needed only to wash himself; but in the army he must “leave the camp” and remain outside until after sundown so as to maintain ritual purity (vv 11–12). Since the camp of YHWH must have nothing offensive in it, even the latrine was to be located “outside the camp” (vv 13–14).

3. *Two Laws on “True Religion” (23:16–19 [Eng. 15–18])*

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Translation and Prosodic Analysis

Asylum for Fugitive Slaves [4:7]

16 ⁽¹⁵⁾ <i>You shall not deliver up a slave / to his master //</i>	13	2
<i>who has escaped to you / from his master //</i>	20	2_
17 ⁽¹⁶⁾ <i>With you / he shall dwell in your midst /</i>	11	2
<i>in the place that he will choose / in one of your towns /</i>	18	2
<i>wherever it pleases him // you shall not / oppress him // ־</i>	<u>12</u>	3_

Prohibition of “Holy Prostitution” [4:7]

18 ⁽¹⁷⁾ <i>There shall be no “holy prostitute” / among Israel’s daughters //</i>	18	2
<i>and there shall be no “pagan priest” / among Israel’s sons //</i>	18	2_
19 ⁽¹⁸⁾ <i>You shall not bring a harlot’s fee / or the price of a dog /</i>	19	2
<i>to the house / of YHWH your God \ in payment for any vow //</i>	15	2
<i>for an abomination / to YHWH your God / are both of them // ־</i>	<u>20</u>	3_

Notes

17.a-a. LXX reads ἐν ὑμῖν· κατοικήσει οὗ ἐὰν ἀρέσῃ αὐτῷ, “with you, he shall dwell where he shall please.”

17.b. SP reads **באחת**, “in one of,” for MT **דבאחת**, “in one of.”

19.a. Reading *tiphā*’ as conj. because of misplaced *’atnāh*.

Form/Structure/Setting

The law of asylum for escaped slaves (23:16–17) and the law prohibiting “holy prostitution” (23:18–19) are closely connected in terms of prosodic structure and belong together as a single literary unit, which stands at the center of a concentric structural pattern:

A Prohibition of marrying one’s father’s wife	<u>23:1</u>
B The assembly of YHWH and sanctity of the military camp	<u>23:2–15</u>
X The fugitive slave and “holy prostitution”	<u>23:16–19</u>
B’ Three laws on protecting the poor and vulnerable	<u>23:20–26</u>
A’ Prohibition of remarriage if one’s former wife has remarried	<u>24:1–4</u>

The outer frame in this structure is made up of two parallel laws on forbidden marriages (23:1 and 24:1–4). The seven laws contained within this frame (23:2–26) are arranged in three subgroups, with the laws on the fugitive slave and “holy prostitution” in the center (23:16–19). The inner frame in this structure moves from two laws on the nature of YHWH’s assembly as a military camp (23:2–15) to three specific laws that deal with ways in which the people are called on to be good “neighbors” to those who are part of YHWH’s assembly (23:20–26).

The seven laws of 23:2–26 should also be studied in relation to each other, for they form a nested menorah pattern:

A The assembly of YHWH	<u>23:2–9</u>
B The sanctity of the military camp	<u>23:10–15</u>
C Asylum for escaped slaves	<u>23:16–17</u>
X Prohibition of “holy prostitution”	<u>23:18–19</u>
C’ Prohibition of lending at interest	<u>23:20–21</u>
B’ Timely fulfillment of vows made to YHWH	<u>23:22–24</u>
A’ Right to eat from a neighbor’s unharvested crops	<u>23:25–26</u>

The law prohibiting “holy prostitution” (23:18–19) is the structural center in this particular reading of Deut 23. The innermost frame is made up of two parallel laws on what it means to be a “neighbor” to those who are exploited economically: the law of asylum for escaped slaves (vv 16–17), and the law prohibiting lending at interest (vv 20–21). The next frame moves from the law on cleanliness and purity within the military camp (vv 10–15) to the law demanding the timely fulfillment of vows made to YHWH (vv 22–24). The outer frame moves from the laws regarding the assembly of YHWH, which raise the question as to who is to be considered one’s “neighbor” (vv 2–9), to the law on the right to eat from a neighbor’s unharvested crops (vv 25–26). It does not take much imagination to realize that there are powerful lessons to be learned in this section of Deuteronomy, lessons that call for careful reflection and proclamation.

Although the two laws discussed here appear at first glance to be disparate in nature, they are connected in prosodic structure, and together they shape the content of narrative stories in Gen 32–38. The boundaries of the two laws are marked by *šētûmā*’ layout markers after vv 15, 17, and 19. The law of the fugitive slave (vv 16–17) may be outlined as follows:

A You shall not deliver up an escaped slave to his master	<u>23:16</u>
B He shall dwell in your midst	<u>23:17a</u>
X In the place that he will choose in one of your towns	<u>23:17b</u>
B’ Wherever it pleases him	<u>23:17c</u>
A’ You shall not oppress him	<u>23:17c</u>

The focus of the law is on the fact that the former slave is to be given the right of asylum in the promised land. He is to settle anywhere he chooses: “wherever it pleases him.” He is not to be extradited to his former master; nor is he to be oppressed by continuing his former status in his new homeland.

Like the preceding law on the sanctity of the military camp (23:10–15), the law of the fugitive slave influenced the shape and content of the story of Jacob in Gen 32 (see Carmichael, *LNB*, 238–40). Having first been delivered from Laban’s hostile intent in Aram-naharaim, Jacob now faces his estranged brother Esau. He describes himself to Esau as a fugitive slave who is on his way to serve a new master, instructing his messengers to speak as follows: “Thus you shall say to my lord Esau: Thus says your servant Jacob, ‘I have sojourned with Laban, and stayed there until now ... and I have sent to tell my lord, in order that I may find favor in your sight’ ” (Gen 32:3–5). Carmichael points out that Esau “did not treat the suppliant as a slave but rather left him free to do as he wished, to settle wherever he chose” (*LNB*, 239)—exactly as the law in Deut 23:16–17 says he should do. Since Jacob/Israel, presented as a גְּמָחָה, “army camp,” in Gen 33:8, was well received by Esau/Edom, the Edomite is “your brother” (v 8) and is thus a welcome member in the assembly of YHWH.

The law as stated is a form of social idealism, which is used to shape the narrative story of the brothers Jacob/Israel and Esau/Edom and the assembly of YHWH in the promised land in Gen 32–38. When read in this manner, there is no need to limit the law with Tigay ([1996] 215) to a statement about “foreign” slaves nor to ponder “the absence of a comparable law dealing with Israelite slaves.”

The law on “holy prostitution” in 23:18–19 may be outlined as a circular sentence in somewhat similar fashion:

- | | | |
|----|---|---------------|
| A | There shall be no “holy prostitute” or “pagan priest” in Israel | <u>23:18</u> |
| B | You shall not bring a “harlot’s fee” or the “price of a dog” | <u>23:19a</u> |
| X | To the house of YHWH | <u>23:19b</u> |
| B’ | In payment for any vow | <u>23:19c</u> |
| A’ | For both of these are abhorrent to YHWH your God | <u>23:19d</u> |

Prostitution and religious activity in the service of pagan gods is abhorrent to YHWH. Payments received from those engaged in such practices are not to be brought to the house of YHWH.

In terms of prosodic structure, the law of asylum for escaped slaves in 23:16–17 is connected with the following law on “holy prostitution” in 23:18–19. The two laws are scanned together as a 7:4:7:4 rhythmic structure (which can also be canted to a 6:5:5:6 pattern in syntactic accentual stress units with a mora count of 44 + 30 = 74 and 37 + 35 = 72, with v 18a functioning as a rhythmic bridge connecting these two units); and the architectural design of the whole may be outlined as follows:

- | | | |
|---|--|--------------|
| A | You shall not deliver up an escaped slave to his master | <u>23:16</u> |
| B | The slave shall dwell where he chooses; do not oppress him | |

X There shall be no “holy prostitute” among Israel’s children	<u>23:17</u>
B’ You shall bring no fees of “holy prostitution” to God’s house	<u>23:18</u>
A’ Both of these are abhorrent to YHWH your God	<u>23:19a</u>
	<u>23:19b</u>

In this reading, the focus of interest is on the prohibition of a קדשה, “holy prostitute,” among Israel’s daughters or a שִׁדְדָּן, “pagan priest,” among Israel’s sons (v 18). The outer frame in the above structure moves from the prohibition of extraditing an escaped slave (v 16) to the prohibition of bringing fees in the form of votive offerings derived from “holy prostitution” (v 19).

It should be noted that the law of “holy prostitution” (23:18–19) is an instructive example of what I have elsewhere (*The Writings: A Study Guide*[North Richland Hills, TX: BIBAL Press, 1998] 69) called the “riddle at the middle” in the structure of the literature of the Bible. As we saw at the beginning of the section of the laws of 23:1–24:5, the prohibition of “holy prostitution” stands at the center of a concentric structure:

A Laws on marriage and war	
	<u>23:1–15</u>
B The law of the fugitive slave	
	<u>23:16–17</u>
X The law prohibiting “holy prostitution”	
	<u>23:18–19</u>
B’ Laws on the protection of the poor and vulnerable	
	<u>23:20–26</u>
A’ Laws on marriage and war	
	<u>24:1–5</u>

The beginning, middle, and concluding sections of this structure all have something to do with the seventh commandment prohibiting adultery or illicit mixtures, particularly in sexual matters. The inner frame has to do with humanitarian issues that are expanded in the laws of 24:6–25:16, as shown below. The center is enigmatic in meaning, so that the situation from a literary perspective is somewhat analogous to that of Gen 6:3, which functions as a “riddle at the middle” in the curious passage on “the sons of God” (בני אלהים) and “the daughters of human beings” (בנות האדם). See D. L. Christensen, “Janus Parallelism in Genesis 6:3,” *HS* 27 (1986) 20–24.

The section of laws on social ethics in 23:2–24:4 began with a law excluding “eunuchs” from the assembly of YHWH in 23:2, which was used to shape the story of Simeon and Levi’s treacherous response to the so-called rape of Dinah in Gen 34. The law on “holy prostitution” in 23:18–19 returns to that same story to form an inclusion with 23:2–7 for the first half of the collection of laws on social ethics, as the following outline suggests:

A Those excluded from YHWH’s assembly—“misbegotten folk”	<u>23:2–7</u>
B Edom and Egypt are included in YHWH’s assembly	<u>23:8–9</u>

X Sanctity of the military camp: Jacob at the Jabbok	<u>23:10–15</u>
B' Asylum for the fugitive slave: Israel and Edom in Canaan	<u>23:16–17</u>
A' Israel and the Hivites—prohibition of “holy prostitution”	<u>23:18–19</u>

Though the “misbegotten folk” of 23:3 may originally have been the children of prostitutes, as Craigie ([1976] 297) has suggested, the concept was expanded in 23:4–5 to include the incestuous “children of Lot”—the Ammonites and the Moabites, who share the distinction of being excluded from the assembly of YHWH “even to the tenth generation.” This is what the outer frame of this structure is about. The inner frame focuses attention on Edom, presented as Israel’s “brother,” who is to be included in the assembly of YHWH. The center of this structure focuses on the moment when Jacob/Israel crossed over the Jabbok from a sojourn of twenty years in the foreign land of Aram-naharaim to take up residence again in the promised land alongside his brother Esau/Edom.

Together with the earlier law on the exclusion of eunuchs from the assembly of YHWH in 23:2, the law prohibiting “holy prostitution” (23:18–19) plays a formative role in shaping the story of Simeon and Levi and the violence they did to the Hivites in response to the so-called rape of Dinah in Gen 34 (cf. Carmichael, *LNB*, 240–43). In the eyes of Simeon and Levi, the Canaanite prince Shechem had treated their sister Dinah as a harlot (Gen 34:31); thus the first attempt to forge a link between the Israelites and the Canaanites in the promised land ended in violence with the mass slaughter of all the newly circumcised male Hivites.

The next chapter has Jacob removing foreign gods from his own household before fulfilling his vow to YHWH (Gen 35:1–7). Carmichael says this story “is specifically concerned with payment to God’s house in connection with the fulfillment of a vow and recognizes that impure worship, service to foreign gods, is incompatible with such payment” (*LNB*, 242). The subject of “holy prostitution” is used to tie this incident to other aspects of the larger story in Genesis. Tamar seduced her father-in-law in order to continue the family line through Judah (Gen 38). Jacob’s own involvement with Canaanite women and their religious practices took place just after his separation from his brother Esau (Gen 34). Judah actually called Tamar “the holy prostitute” (הקדשה) when he sought to pay Tamar for her services (38:21). “In paying for her services as a cult prostitute (his description of her), he was in effect paying for the increase in Israel’s family numbers, an outcome that would ordinarily warrant tangible thanks to Yahweh” (Carmichael, *LNB*, 242).

Thus the story of Jacob/Israel is that of an Israelite paying into the house of God the gains from “holy prostitution” in the form of a tenth of the wealth God has given him. In so doing he has violated the law of Deut 23:18–19, which appears to be a deliberately ambiguous invitation for an able teacher to discuss and amplify each of its words, so as to guide the curious into “a more fantastic country”—the literary world of the Bible, and the book of Genesis in particular.

Comment

16–17 “You shall not deliver up a slave to his master.” This command runs contrary to all known ancient Near Eastern law codes, which forbade the harboring of runaway slaves. In particular, note the words of an Aramaic treaty text known as Sefire III (*KAI*,

no. 224; *ANET*, 660), which expresses the opposite of the words that appear here: “he shall dwell in your midst, in the place that he will choose in one of your towns, wherever it pleases him.”

18–19 The words קדשה and קדש, which are translated here in a general collective sense as “holy prostitution,” may be euphemisms. It is best to avoid the terms “cultic prostitute” and “temple prostitute” (*BDB*, 873) altogether, however, because of the misinformation these expressions communicate. The description “holy prostitution” in this commentary is an attempt to draw the reader’s attention to the use of the root קדש, “to be holy,” in reference to both female and male cultic activity in the service of pagan deities in this passage. The phrase “harlot’s fee” (אתנן זונה) refers to income received by prostitutes for their services; they were sometimes paid in kind, such as “a kid from the flock” (*Gen* 38:17). The “price of a dog” (ומחיר כלב) refers either to the “barter off a canine” in traditional Jewish interpretation or to income received by “pagan priests” (men functioning in behalf of pagan deities) for their illicit religious activities. The word כלב, “dog,” in this context is generally interpreted as a male prostitute, and has been rendered as “sodomite” (KJV, ASV) or “catamite” (J. Moffatt, *A New Translation of the Bible* [New York: Harper & Row, 1954] 226; a catamite is a boy kept for pederastic purposes). It should be noted, however, that כלב in the Hebrew Bible is not “an opprobrious term for a male prostitute” (*The Jerusalem Bible* [Garden City, NY: Doubleday, 1966] 247 n. 23.d). That Joshua’s compatriot Caleb (כלב) is so named is evidence to the contrary. Goodfriend has argued convincingly that we need to take a closer look at traditional Jewish interpretation, which renders כלב literally as a canine (*FS J. Milgrom*, 381–97). See also the discussion of Winton Thomas (*VT* 10 [1960] 410–27), and note the association of dogs (כלבים) and prostitutes (זנות) in *1 Kgs* 22:38. Gruber sees קדשה and קדש as two separate and wholly distinct kinds of professionals (*UF* 18 [1986] 133–47). The קדשה was the equivalent of the זונה, “harlot.” The קדש, however, was a priest or diviner in a heterodox, non-Yahwistic cult. The association of the two terms here is poetic in the sense that it is based primarily on association of sounds and the common verbal root, not on the identification of the two professionals in terms of social role or function in society. The recent discovery of a huge dog cemetery from the Persian period at Ashkelon in Israel raises new questions about the possible significance of dogs in certain pagan cults, perhaps in relation to gods of healing, which may help to explain the objection to “the price of a dog” here (Stager, *BAR* 17.3 [1991] 26–42).

Explanation

Though virtually all commentators have interpreted the law of the fugitive slave (23:16–17) as referring to a slave who comes to Israel from a foreign country, it is also possible to see Jacob/Israel as the slave who has left a foreign master in another country to find asylum in the land of Canaan. What the law bans, then, is precisely what parallel laws in the ancient Near East enjoin: the extradition of the fugitive slave. “The only

thing remotely close to this biblical law in the ancient world is the practice at certain temples of granting asylum to slaves fleeing harsh treatment by their masters” (Tigay [1996] 215). Even in these cases, the asylum was only temporary, designed to protect the slave until he could come to terms with his former master or be sold to another master. (See Greenfield, *FS H. Tadmor*, 272–78; see also W. Westermann, *Slave Systems*, 17–18, 38–39, 40–41; citations from Tigay [1996] 387, n. 59.)

The law of asylum for escaped slaves was intended to remind the people of Israel that they had been slaves in Egypt. Those who have known firsthand the degradation of human slavery understand; we too are in a position to begin to understand why Israel’s policy against extradition flies in the face of other law codes produced by the powerful nations responsible for inflicting slavery on subject peoples.

A good example of the application of the law of asylum for escaped slaves has emerged in recent years in Thailand, where World Vision International has established youth camps as places of asylum for young girls who have been sold into “sex slavery” by their own parents in what is surely one of the vilest examples of human exploitation known. It is estimated that more than a million girls are enslaved in this manner at this point in time, and that such “sex slaves” have been exported to the United States, the United Kingdom, Germany, Australia, and elsewhere. It is our responsibility under God’s law to provide asylum for such innocent victims of slavery, and to take positive collective action to stamp out such evils at their source.

The law on prostitution in Deut 23:18–19 is the source of much of the confusion on the subject of “cultic prostitution” because the Hebrew words used here for a female prostitute (קדשה) and a male “pagan priest” (קדש) come from the verbal root קדש, “to be holy,” with the idea of being set apart, or consecrated, to God. Thus the idea of a “temple prostitute” was an obvious way to interpret the primary words in an elusive text. I have chosen to translate the combination of the two terms קדשה and קדש as “holy prostitution,” in a general sense, in order to draw the reader’s attention to the root meaning of קדש and to the fact that the individuals in question, so far as the law and related narratives are concerned, are indeed engaged in prostitution (as females) and illicit religious activity in the service of a pagan deity (as males).

One of the products of the feminist movement of recent years has been the reassessment of the role of women past and present. Few subjects illustrate the positive contributions of this movement as well as what is often called “cultic prostitution.” “There is no subject in the field of ancient Near Eastern religion on which more has been written, with so much confidence, on the basis of so little explicit evidence.... There is, in fact, no evidence available to show that ritual intercourse was ever performed by laymen anywhere in the ancient Near East, nor that sacred marriage ... was practiced in or near Israel during the biblical period” (Tigay [1996] 481)—the vivid and persuasive description of James Michener notwithstanding (see *The Source* [New York: Random House, 1965]), chap. 3, “Level XIV: Of Death and Life”.

Physical prostitution is a gross evil, one that usually results in a form of sex slavery and premature death. But the metaphor of prostitution in the form of the activities of a “pagan priest” raises deeper issues. The “pagan priest” is one who traffics in the service of some god other than YHWH and who salves his conscience by using the proceeds of such activity to present gifts “to the house of YHWH.” In the metaphorical sense, this too is a form of prostitution, with the same evil consequences at the end of the road: slavery and death.

4. Three More Laws on “True Religion” (23:20–26 [Eng. 19–25])

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Translation and Prosodic Analysis

Prohibition of Lending at Interest [8:7]

²⁰⁽¹⁹⁾ <i>You shall not lend on interest to your brother /</i>	11	1
<i>interest on money \ interest on food //</i>	9	1
<i>interest / on anything / that is lent //</i>	12	3
²¹⁽²⁰⁾ <i>To the foreigner you may lend on interest /</i>	7	1
<i>but to your brother / you shall not lend on interest //</i>	13	2_
<i>In order that YHWH your God / may bless you /</i>	17	2
<i>in all / you undertake / upon the land /</i>	15	3
<i>that you are entering / to take possession of it // D</i>	15	2_

Timely Fulfillment of Vows [(4:5):(5:4)]

²²⁽²¹⁾ <i>When you vow a vow / to YHWH your God /</i>	17	2
<i>you shall not put off / paying it //</i>	11	2_
<i>For YHWH your God / will surely require it / of you //</i>	25	3
<i>and it will be a sin / in you //</i>	9	2_

23 ⁽²²⁾ <i>And if you refrain \from making a vow //</i>	7	1
<i>it will not be a sin / in you //</i>	8	2
24 ⁽²³⁾ <i>the things passing your lips / you shall be careful to do //</i>	20	2_
<i>What you vow / to YHWH your God \ is a freewill offering /</i>	23	2
<i>that you have promised / with your own mouth // ך</i>	<u>10</u>	2_

The Right to Eat from a Neighbor's Unharvested Crops [7] [8]

25 ⁽²⁴⁾ <i>When you enter / your neighbor's vineyard /</i>	13	2
<i>you may eat grapes / freely / until you are satisfied //</i>	17	3
<i>but into your container / you shall not put them // ך</i>	10	2_
26 ⁽²⁵⁾ <i>When you enter / your neighbor's standing grain /</i>	14	2
<i>you may pluck off ears / in your hand //</i>	16	2
<i>But a sickle / you may not wield /</i>	<u>10</u>	2
<i>on / your neighbor's standing grain // ך</i>	8	2_

Notes

20.a. Reading *tiphā* ' as conj. because of misplaced 'atnāh.

20.b. LXX adds *waw*-conj.

20.c. LXX^{ML} add τῶ ἀδελφοῦ σου, "to your brothers" (= לאחיד). Prosodic analysis favors MT.

21.a-a. Many Heb. MSS and SP read משלח ידיך, "extending of your hands," for MT משלח ידך, "extending of your hand"; LXX reads τοῖς ἔργοις σου, "your deeds" (= מעשׂיך).

22.a. One Heb. MS and Syr. add *waw*-conj.

23.a. One Heb. MS, Syr. MSS, and Vg. omit *waw*-conj.

23.b. Reading *tiphā* ' as conj. because of misplaced 'atnāh.

24.a-a. LXX and OL read τῷ θεῷ (σου), "to (your) God," for MT ליהוה אלהיך, "to YHWH your God." Prosodic analysis favors MT.

24.b. Reading *paštā* ' followed by *zāqēp qātôn* as conj.

26.a. A few Heb. MSS and LXX read בידך, "in your hands," for MT בידך, "in your hand."

Form/Structure/Setting

The three laws on protecting the poor and vulnerable in the society of ancient Israel (23:20–26) are framed by two parallel laws on prohibited sexual union: prostitution (23:18–19) and remarriage to one’s former wife who has remarried in the interim (24:1–4). Both of these situations are considered to violate the seventh commandment (prohibiting adultery), as shown above in the laws on marital and sexual misconduct in 22:13–29.

A Prohibition of “holy prostitution”	<u>23:18–19</u>
B Prohibition of lending at interest	<u>23:20–21</u>
X Timely fulfillment of vows made to YHWH	<u>23:22–24</u>
B’ Right to eat from a neighbor’s unharvested crops	<u>23:25–26</u>
A’ Prohibition of remarriage if one’s former wife has remarried	<u>24:1–4</u>

The inner frame in this structure presents parallel laws on specific ways in which a member of the covenant community in ancient Israel is to demonstrate that he loves his neighbor: by not lending at interest to those in need (23:20–21), and by observing the right that members of the covenant community have to eat from a neighbor’s unharvested crops (23:25–26). In the center of this structure we find a law on the timely fulfillment of vows made to YHWH (23:22–24), which forms an inclusion with the law in the first half of the outer frame prohibiting the use of income from “holy prostitution” to pay vows made to YHWH (23:19). The prohibition of prostitution itself in 23:18 forms an inclusion with the second half of the outer frame, the forbidden remarriage in 24:1–4. In short, the arrangement of the laws here is carefully worked out to form another “wheel within a wheel” in the architectural design of Deuteronomy.

Though 23:20–26 is a single literary unit from the point of view of its prosodic structure, it is divided into four parts with *sētûmā*’ layout markers at the end of vv 21, 24, 25, and 26. It also contains three separate laws that differ in subject matter. The content of the literary unit as a whole may be outlined as follows:

A You shall not lend on interest anything to your brother	<u>23:20</u>
B You may lend on interest to the foreigner in your midst	<u>23:21</u>
X When you make a vow to YHWH, do not put off fulfilling it	<u>23:22–24</u>
B’ When you enter your neighbor’s vineyard, you may eat grapes	<u>23:25</u>
A’ When you enter his standing grain, you may pluck ears to eat	<u>23:26</u>

The focus of attention in such a reading is on the timely fulfillment of vows made to YHWH (vv 22–24). On one side of this center we have two laws regarding charging interest on loans (vv 20–21) that are set over against two laws to eat freely from a neighbor’s unharvested crops of grapes (v 25) and grain (v 26).

The law on the timely fulfillment of vows to YHWH may in turn be outlined in the same manner, as Seitz has observed (*Redaktionsgeschichtliche Studien* [1971] 177–78):

- A When you make a vow to YHWH, do not put off fulfilling it 23:22a
- B YHWH will require it of you and you will incur guilt 23:22b
- X If you do not make a vow, you incur no guilt 23:23
- B' The things passing your lips you shall be careful to do 23:24a
- A' Your vow to YHWH is a freewill offering you have promised 23:24b

In this reading, the focus shifts to the voluntary aspect of making vows to YHWH. There is nothing wrong with a decision not to make a vow. Guilt is incurred only when a vow is made and a person fails to fulfill it in a timely manner.

According to Carmichael's analysis (*LNB*, 243–53), the three laws regarding care for the poor and vulnerable in 23:20–26, like the earlier law of the fugitive slave in 23:16–17, are used to shape the stories about Jacob in the land of Canaan after the crossing of the Jabbok in Gen 32. The first law in this brief series, which concerns loans on interest (Deut 23:20–21), is applied to the story of Jacob's growing wealth (Gen 28–34).

As we take a closer look at the details in this story we see how the law prohibiting the lending at interest to a brother was used to shape the content of the narrative in Genesis. "Esau wanted to give Jacob some of his men to help him look after his possessions. This offer was given freely and carried no obligation on Jacob's part to pay for the service. It was a fine brotherly example of lending without interest" (Carmichael, *LNB*, 244). But Esau's descendants, the Edomites, acted differently when the Israelites asked permission to pass through their territory, in spite of the Israelites' promise to keep out of their fields and vineyards, and despite the law on the right to eat from a neighbor's unharvested crops in vv 25–26, which suggests that this was normal hospitality among "brothers." Esau's example of hospitality was also shaped in part by the law of the fugitive slave (vv 16–17), as we have already seen. In this regard Carmichael has made the interesting observation that "a returning slave in most instances, if not in Jacob's, would need loans without interest to enable him to live a free life back in his homeland" (*LNB*, 245).

The second part of the law on loans (vv 20–21), which grants permission to lend with interest to foreigners, plays a role in shaping the story about Jacob in relation to the Hivites in Gen 34. As things turned out, Israel gained much population and property at their expense: their men were killed, but the women and children joined Israel's ranks. Carmichael has shown that the story in Genesis focuses on extraordinary events, whereas Deuteronomy describes normal Israelite relations with approved foreign groups in which gain accrues to Israel from straightforward business transactions.

The second law on the timely fulfillment of vows carries the reader back again to Gen 28, when Jacob's original vow was made to YHWH. From there it moves to Gen 35, when that vow was fulfilled, in a timely manner. In giving a vow, however unnecessary it may actually be, a person promises to give back to "the sanctuary" (see Milgrom, *Numbers*, 488, and *Comment* on vv 2–24) something in exchange for God's blessing, and the law requires its prompt fulfillment. "This aspect of the law contrasts with lending on interest where a delayed payment is of the essence of the transaction.

The law about cultic prostitution, which comes just before the lending law, is related in that it specifically concerns the kind of payment that might be made to the deity by way of fulfilling a vow” (Carmichael, *LNB*, 247).

The law about the permission to eat from a neighbor’s unharvested crops (vv 25–26) shapes the manner in which the story of the relation between Israel and Edom is picked up in the more recent past, from the perspective of Moses as lawgiver. In the words of Moses to the king of Edom, “Thus says your brother Israel: You know all the adversity that has befallen us.... Now let us pass through your land. We will not pass through field or vineyard, neither will we drink water from a well; we will go along the King’s Highway, we will not turn aside to the right hand or to the left, until we have passed through your territory” (Num 20:14–17). Yet even refusing the right granted by this law did not alter the Edomites’ hostility.

Comment

20 To “lend on interest” (תשיך נשך) suggests a money economy, which is somewhat misleading. The loans in question are primarily charitable loans “to your brothers” (לאחיך). Though Silver has made a case for the existence of interest-bearing commercial loans in ancient Israel (*Prophets and Markets*, 65ff., 327), the consensus of scholarly opinion is still reflected by Tigay: “There is no evidence that there was a money market of any significance, or that solvent Israelites commonly borrowed for commercial or other purposes, though a couple of passages imply that not all borrowers were poor (Exod. 22:24; Deut. 24:12)” ([1996] 217). This prohibition has no parallel in the laws of the ancient Near East, where rates of interest were ruinous: 20–25 percent for silver and 30–50 percent for grain, and sometimes higher (G. R. Driver and J. C. Miles, *Babylonian Laws*, 2 vols. [1952–55], 1:173–77; Tigay [1996] 217).

The term נשך, which is here translated as “interest,” is sometimes interpreted as “advance interest” in the sense of money deducted from the loan at the outset, because the verbal root נשך means “to bite.” Ezek 18:8 refers to “lending at interest” (נשך) and “collecting increase” (תרבית).

21 “To the foreigner you may lend on interest” (cf. 15:3). The “foreigner” in ancient Israel was usually a businessman traveling for purposes of profit, not subsistence living. There is no moral obligation to forgo interest in such cases. It should be noted, as Mayes has observed ([1981] 321), that only Deuteronomy explicitly allows lending on interest to a foreigner.

22–24 The content of these verses has no parallel in the Book of the Covenant (Exod 20:22–23:33). Its parallel in Ecc 5:3–4 (Eng. 4–5) suggests that we have here a wisdom saying (C. Brekelmans, “Wisdom Influence in Deuteronomy,” in *SBTS* 3:123–34). The making of “a vow to YHWH your God” was a normal expression of worship in ancient Israel. “All vows in the Bible are dedications to the sanctuary,” according to Milgrom (*Numbers*, 488). Hannah’s vow is illustrative: “O LORD of hosts, if only you will look on the misery of your servant, and remember me, and ... give to your servant a male child, then I will set him before you ... until the day of his death” (1 Sam 1:11 NRSV). When such a vow is made, the law states: “you shall not put off paying it.” The text does not specify, however, what a reasonable time is for fulfilling vows made to YHWH. The rule of thumb that emerged in Judaism is that in most circumstances, the

vow was to be fulfilled at the occasion of the next pilgrimage festival. In subsequent Jewish tradition, it was not considered late until after three festivals (*Sifre* 63; Tigay [1996] 219). Hannah took the child to the central sanctuary at Shiloh after she had weaned him (1 Sam 1:24), which was certainly more than a single calendar year. If a person fails to fulfill the law in a reasonable time, the law states that “it will be a sin in you.” This same warning appears again in 24:14–15 in regard to delayed payment of wages due. The statement “if you refrain from making a vow it will not be a sin in you” indicates that making vows is a voluntary act. There is no penalty for not making a vow, but there is for failure to keep the vow once it is made—“the things passing your lips you shall be careful to do.” The word נדבה, translated as “freewill offering,” appears also in 12:6.

25–26 “When you enter your neighbor’s vineyard” or his field of “standing grain,” a person was permitted to eat on the spot sufficient to satisfy one’s hunger, but no more.

Explanation

Paying interest on loans is so much a part of daily life in the modern world that the casual reader would be surprised at the law prohibiting lending at interest in 23:20–21. What motivated this law was the desire to prohibit exploitation of the poor.

The law on the timely fulfillment of vows made to YHWH (23:22–24) raises significant issues. To make a vow to YHWH and not to follow through is contrary to the very spirit of the covenant made between God and his people.

The law establishing the right to eat from a neighbor’s unharvested crops (23:25–26) provided an interesting occasion for a dispute between Jesus and certain Pharisees in Matt 12:1–8. The issue was not that of stealing when his disciples plucked someone else’s grain, for that plucking was permitted under this law. The issue was that the incident took place on the Sabbath, and thus they were falsely accused of violating the fourth commandment (Deut 5:12–15).

The combining of the three laws in 23:20–26 on matters concerning care for the poor and the vulnerable in that society within a single prosodic structure suggests that we are primarily dealing with humanitarian issues here; and that the reading of these laws in relation to the associated narratives in Genesis is of greater worth than mere comparative study of ancient legal traditions. The individual laws, as recorded here, were introductory to telling stories based on those laws, the stories being the essence of the Torah.

E. Sixteen Laws on Marriage, War, and “True Religion” (24:1–25:19)

1–2. Forbidden Remarriage and Military Deferral of a New Husband (24:1–5)

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Translation and Prosodic Analysis

On Restoring a Marriage If One’s Former Wife Has Remarried [(7:5):(7:7):(5:7)]

¹ <i>When a man takes / a woman / and marries her //</i>	16	3
<i>and it shall be / if she does not find favor in his eyes /</i>	18	2
<i>because he finds in her / “a naked thing” /</i>	13	2_
<i>And he writes for her / a bill of divorce /</i>	15	2
<i>and he puts it in her hand /</i>	9	1
<i>and he sends her out / from his house //</i>	<u>10</u>	2_
² <i>And she goes forth \ from his house //</i>	11	1
<i>and she proceeds / to become the wife of another man //</i>	18	2
³ <i>And the latter husband / hates her /</i>	17	2
<i>and he writes her / a bill of divorce /</i>	14	2_
<i>And he puts it in her hand /</i>	9	1
<i>and he sends her out / from his house //</i>	9	2
<i>Or if the latter man / dies /</i>	18	2
<i>who took her to himself / to be his wife //</i>	<u>13</u>	2_
⁴ <i>Her former husband who divorced her is not permitted /</i>	19	1
<i>to turn to take her again / to be his wife /</i>	17	2
<i>after / she has been defiled /</i>	12	2_
<i>For that is an abomination \ before YHWH //</i>	16	1
<i>and you shall not bring sin / to the land /</i>	13	2
<i>that / YHWH your God / gives you / for an inheritance //</i> ⓓ	<u>20</u>	4_

Deferral of a New Husband from Military Service [6:6]

⁵ <i>When a man takes / a new wife /</i>	14	2
<i>he shall not / go forth / with the army /</i>	11	3
<i>and he shall not be assigned to it /</i>	11	1_
<i>In every instance // there is exemption from obligations /</i>	10	2
<i>he shall remain at home / one year /</i>	14	2
<i>to bring happiness / to his wife whom he has taken //</i> ⓓ	<u>13</u>	2_

Notes

- 1.a. SP adds **וּבֵא אֵלֶיהָ**, “and he comes to her.” Prosodic analysis supports MT.
- 2.a. Reading *tiphā’* as disj. because of misplaced *’atnāh*.
- 2.b-b. LXX omits. Prosodic analysis supports MT.
- 3.a-a. Vg. omits. Prosodic analysis supports MT.
- 3.b. SP reads **בַּעֲלָהּ**, “her husband,” for MT **הָאִישׁ**, “the man”; some LXX witnesses add **αὐτῆς**, “her.”
- 4.a. Reading *tiphā’* as disj. because of misplaced *’atnāh*.
- 4.b. LXX adds **τοῦ θεοῦ** (= **אֱלֹהֶיךָ**, “your God”). Prosodic analysis supports MT.
- 4.c. Reading 2 pl. with SP and LXX as *lectio difficilior*. It is more difficult to explain the appearance of the *Numeruswechsel* here in SP and LXX, if it is not original, than to explain its omission in MT.
- 5.a. A few Heb. MSS, LXX, Tg.MS, and *Tg. Ps.-J.* read **כָּל** for MT **לְכָל**, “to all” or “in every (instance).”
- 5.b. SP reads **נָקִיא**, “innocent,” for MT **נָקִי**, “exempt” (cf. Jonah 1:14 for the same confusion of these two terms).
- 5.c-c. Syr. reads *wnhd’* (= **וְשָׂמַח**) for MT **וְשָׂמַח**, “and he shall cause to rejoice.” Prosodic analysis favors MT slightly with a mora count of three rather than four.

Form/Structure/Setting

In terms of the prosodic analysis presented in this commentary, the laws in the sixth of the eleven weekly portions in the lectionary cycle of Torah readings from Deuteronomy (21:10–25:19) are in three major parts: 21:10–23:1; 23:1–24:4; and 24:5–25:19. The law prohibiting marrying one’s father’s wife (23:1) functions as a bridge connecting the first and second section. The situation is somewhat similar in regard to the two laws in 24:1–5, which also serve to connect the second and third sections in a more complex manner.

From a literary point of view, the laws of 24:1–5 are transitional in nature, completing the previous section (23:1–24:4) and introducing what follows in the rest of Deut 24:

A Forbidden remarriage and one-year deferral for new husband	<u>24:1–5</u>
B Taking a millstone as distrained property and kidnapping	<u>24:6–7</u>
X Dealing with “leprosy”	<u>24:8–9</u>
B Taking and holding distrained property	<u>24:10–13</u>

A' Humanitarian concerns: care for the poor and vulnerable

24:14–22

Details within this structure, and its place within the design of the larger group of laws protecting the poor and vulnerable in 24:5–25:19, are discussed below. Here it is sufficient to note that the laws on renovating a marriage (vv 1–4) and military deferral of a new husband (v 5) function as a single literary unit from a prosodic point of view, which is set over against three laws aimed at protecting the poor and the vulnerable in Israelite society: timely payment of wages (vv 14–15), prohibition of transgenerational punishment (v 16), and the law protecting sojourners, orphans, and widows (vv 17–22). The central law on dealing with “leprosy” (vv 8–9), which displays the familiar quality of the “riddle at the middle,” is framed by three laws with much in common: the taking of a millstone as pledge (v 6) and the theft of a fellow Israelite (v 7), both of which are set over against a law that sets limits in regard to taking and holding property taken in pledge on a loan (vv 10–13).

The laws in 21:10–23:1, which are structured in relation to the seventh commandment (prohibition of adultery), deal primarily with family laws (including a group of six laws on marital and sexual misconduct in 22:13–29) and certain “illicit mixtures” (22:5, 9–11). Though the laws in 23:2–24:4, which deal with matters of social ethics, are structured in relation to the seventh commandment (particularly in regard to three laws that include the expression “When a man takes a woman” in 23:1 and 24:1, 5), they include laws corresponding to the first three of the Ten Commandments (on our relationship with God) and the last three of the Ten Commandments (on theft, false witnesses, and coveting) as well, including ones that pertain to worship (23:22–24), war (23:10–15; 24:5), and the protection of the poor and vulnerable (23:20–26).

The third and final section of laws (24:5–25:19) in the sixth of the weekly portions in the lectionary cycle (21:10–25:19) includes thirteen laws dealing with humanitarian issues (24:6–25:16), which are framed by two laws on war (24:5 and 25:17–19), with a law on marriage in the center (25:5–10). The section as a whole may be outlined in a menorah pattern:

A Deferral of a new husband from military service	<u>24:5</u>
B Eight laws protecting the poor and vulnerable	<u>24:6–22</u>
C Limits on flogging; not muzzling an ox	<u>25:1–4</u>
X Levirate marriage	<u>25:5–10</u>
C' Immodest intervention in a fight	<u>25:11–13</u>
B Honest weights and measures	<u>25:13–16</u>
A' Remembering the Amalekite aggression	<u>25:17–19</u>

The outer frame in this structure moves from a transitional law that deals with both marriage and war (24:5), to the law on levirate marriage in the center (25:5–10), to a final law dealing with YHWH's Holy War (25:17–19). The outermost frame moves from a series of seven laws on ruinous actions against a fellow Israelite (24:6–22),

which is set over against a single law on a similar subject: honest weights and measures (25:13–16). The innermost frame in this structure contains three laws: limits on flogging and an injunction not to muzzle an ox when it threshes (25:1–4). This law is set over against the curious law on immodest intervention in a fight on the part of a man’s wife (25:11–12). In the center is the law on levirate marriage (25:5–10), which marks the conclusion of a series of five laws on marriage (21:10–14; 23:1; 24:1–4; 24:5; 25:5–10).

The preceding laws on matters of social ethics in 23:1–26 were used to shape the narrative in Genesis that concerns Israel’s interaction with foreign peoples: Ammon and Moab (Gen 19), Aram (Gen 28–31), Edom (Gen 32–36), the Hivites in the land of Canaan (Gen 34), and Egypt (Gen 37–50). In terms of the narrative stories in Genesis, the focus was on the person of Jacob in relation to his brother Esau (Edom) and on Jacob’s children, the twelve tribes of Israel. Deut 23 began with a law that was used to shape the story of Abraham’s kinship with Lot’s descendants, the Ammonites and the Moabites. Deut 24 begins with laws that shape the stories of Abraham himself.

The previous law on the right to eat from a neighbor’s unharvested crops functioned in a transitional manner in shaping the narrative stories within the Torah by shifting attention from Jacob and Esau in Genesis to that of Israel and Edom in the more recent past, from the perspective of Moses—namely the incident when messengers were sent from Kadesh to the king of Edom with the request that the Israelites be given permission to pass through his land (Num 20:14–17). Carmichael’s observations are apropos (*LNB*, 255): “At an earlier period in time, Israel’s renowned ancestor, Abraham, was likewise traveling near Kadesh and sojourned in Gerar (Genesis 20). He too anticipated enmity from the ruler of that region, Abimelech, king of Gerar.” As we observed in the discussion of 23:2–9, the narrative structure of the story of Abram in Gen 12 mirrors that of the larger structure of the story of Jacob/Israel (Gen 32–37), while anticipating the story of Jacob’s descent into Egypt and the exodus from Egypt under Moses as well.

The laws of 23:5–25:19 were used to shape the narrative of Genesis (Gen 21:9–12; 24; 31:4–42; 34; 37–47, esp. 38) and other passages (Exod 16;17:1–14; Num 12:1–14). The relation between the individual laws and the narrative stories are explored in detail below. In anticipation of that discussion, it is useful to outline the larger structural design of the narrative in Genesis, Exodus, and Numbers against Deut 24–25:

A <u>Gen 21:9–12</u> : Isaac and Ishmael—millstone as pledge	<u>24:5–6</u>
B <u>Gen 37:26–28</u> : sale of Joseph— theft of a fellow Israelite	<u>24:7</u>
C <u>Num 12:1–14</u> : Miriam’s leprosy—dealing with “leprosy”	<u>24:8–9</u>
D <u>Gen 24</u> (<u>Gen 15</u>): a wife for Isaac—distrained property	<u>24:10–13</u>
E <u>Gen 31:4–42</u> : Jacob and Laban—the hired servant	<u>24:14–15</u>
F <u>Gen 34</u> : Hamor and his son—fathers and sons	<u>24:16</u>
X <u>Gen 37–47</u> : Joseph in Egypt—protecting the vulnerable	<u>24:17–22</u>
F’ <u>Gen 37–47</u> : Joseph in Egypt—limits on flogging	<u>25:1–3</u>
E’ <u>Gen 38</u> : Judah and Tamar—unmuzzled ox	<u>25:4</u>

D' <u>Gen 38</u> : Judah and Tamar—levirate marriage	<u>25:5–10</u>
C' <u>Gen 38</u> : Judah and Tamar—immodest intervention in fight	<u>25:11–12</u>
B' <u>Gen 42–44</u> ; <u>Exod 16</u> : Joseph and manna—honest weights and measures	<u>25:13–16</u>
A' <u>Exod 17:1–14</u> : Amalek's attack—extermination of Amalekites	<u>25:17–19</u>

The focus of the laws in 24:5–25:19, so far as the narrative in Genesis is concerned, is on the stories of Jacob's twelve sons (the tribes of Israel) in Gen 37–50. Jacob's descent into Egypt is introduced at the outset (in the law on the "theft" of a fellow Israelite in Deut 24:7), which is set over against the stories of Joseph in Egypt in Gen 42–44 and the law of honest weights and measures (Deut 24:13–16). The second half of the structure expands the laws with stories about Joseph and Judah, using a series of three successive laws in each case. The Genesis narrative in the first half of the above structure, which corresponds with the laws in Deut 24:5–16, completes a series of three laws that pertain to stories of Abraham (24:1–6), including the birth of his son Isaac (24:5) and his marriage to Rebekah (24:6); and moves on to the marriage of Isaac (24:10–13), along with a brief review of the stories about his son Jacob with Laban in Aram-naharaim (24:14–15), and Hamor with his sons in Canaan (24:16), which stories were the focus of attention for the laws in the previous section (23:1–24:4).

It is useful at this point to examine some of the more prominent literary structures in Genesis that reflect the sequence of laws here in Deut 24–25. The narrative tradition of Gen 37–50 may be outlined as follows:

A Joseph and his dreams	<u>Gen 37</u>
B Judah and Tamar: Judah begets Perez and Zerah	<u>Gen 38</u>
X Joseph in Egypt: his rise to power by interpreting dreams	<u>Gen 39:1–44:17</u>
B' Judah's speech: "Keep me in place of the lad Benjamin"	<u>Gen 44:18–34</u>
A' Fulfillment of Joseph's dreams: Jacob's family in Egypt	<u>Gen 45–50</u>

As we will see in the discussion below, these stories are shaped, at least in part, by the individual laws in Deut 24:7–25:16. In this narrative structure the focus of attention is on Joseph in Egypt, reflecting the laws on protecting the vulnerable in 24:17–25:3. Attention then shifts to the person of Judah in the land of Canaan, as reflected in the laws of 25:5–12. The corresponding narrative tradition in Genesis may be outlined as follows:

A Judah persuades his brothers to sell Joseph into slavery	<u>Gen 37:26–28</u>
B The brothers deceive Jacob into believing Joseph is dead	<u>Gen 37:29–36</u>
X Judah and Tamar: Judah begets Perez and Zerah	<u>Gen 38</u>
B' Joseph's rise to power in Egypt—he deceives his brothers	<u>Gen 39:1–44:17</u>

A' Judah's speech: "Keep me in place of Benjamin"

Gen 44:18–34

The order and content of the laws in Deut 24–25 are an invitation to teach the meaning and content of Genesis, primarily as it relates to the two most prominent sons (or tribes) of Israel: Joseph and Judah.

The laws in 24:17–25:16 form a literary unit in five parts, from a prosodic point of view, which may be outlined as follows:

A	Protecting aliens, orphans, and widows	(Joseph in Egypt)	<u>24:17– 22</u>
B	Limits on flogging and unmuzzled ox	(Joseph and Judah)	<u>25:1–4</u>
X	Levirate marriage	(Tamar and Judah)	<u>25:5–10</u>
B'	Improper intervention in a fight	(Judah and Joseph)	<u>25:11– 13</u>
A'	Honest weights and measures	(Israel in the wilderness)	<u>25:13– 16</u>

The outer frame in this structure has two parallel laws on the protection of the poor and vulnerable (24:17–22 and 25:13–16) that are used to shape the narrative content of the story of Joseph in Gen 37 and 45–50 and God's provision for the people of Israel in the wilderness en route to Mount Sinai (Exod 14–18). The first half of the inner frame picks up on the same theme in the law that sets limits on flogging (25:1–3), but then moves to another topic in the law on not muzzling the ox (25:4). As will be shown in the discussion below, the second half of the inner frame with the curious law on improper intervention in a fight (25:11–13) is also used to shape the narrative stories of both Judah and Joseph. Together with the central law concerning levirate marriage (25:5–10), these three laws shape the narrative of Judah and Tamar (Gen 38) and the story of the twelve sons of Jacob/Israel in the land of Egypt (Gen 39–50), with a focus on the person of Joseph and Judah.

The two-part structure of the laws on marriage and war in 24:1–5 is indicated in *BHS* with *sētūmā*' layout markers at the end of vv 4 and 5. The break between the two subsections is also marked with the *Numeruswechsel* at the end of v 4, as restored from SP and LXX. Moreover, the prosodic analysis reveals that the two laws are distinct literary units. The law on the deferral of a new husband from military service in 24:5 functions as a rhythmic literary bridge, much like 23:1 in the previous chapter. From the point of view of overall structure, it completes one major unit (23:1–24:5), begins another (24:5–25:19), and belongs to both.

Phrases that combine the verb לָקַח, "to take," and its object אִשָּׁה, "a woman," appear three times, as the outer frame in a concentric structure of repeated words and phrases, which are nested as follows:

A	"When a man takes a woman"	כִּי־יִקַּח אִישׁ אִשָּׁה	<u>24:1a</u>
B	"he shall write a bill of divorce ..."	וְכָתַב לָהּ סֵפֶר כְּרִיתָת וְנָתַן בִּידָהּ	<u>24:1b</u>

X	“and she goes forth from his house ...”	ויצאה מביתו והלכה	<u>24:2b–3a</u>
B'	“he shall write a bill of divorce ...”	וכתב לה ספר כריתת ונתן בידה	<u>24:3a</u>
A'	“who took her as his wife ...”	אשר-לקחה לו לאשה	<u>24:3b–4a</u>
	“to take her again as his wife”	לקחתה להיות לו לאשה	

The outer frame in this structure moves from the original marriage, “when a man takes a woman” (v 1a), to the situation where that husband is not permitted to take the woman a second time to be his wife (vv 3b–4a). The center of this structure focuses attention on the legal situation itself, as the woman marries a second time only to find that her second husband “hates her” and wants a divorce (v 3). The inner frame in this structure is the exact repetition of a three-part clause: “and he writes her a bill of divorce and he puts it in her hand and he sends her out from his house” (vv 1 and 3).

The content of the two laws in 24:1–5 itself may be outlined in a five-part concentric structure:

A	When a man takes a woman, he is permitted to divorce her	<u>24:1</u>
B	If she then becomes another man’s wife	<u>24:2</u>
X	And the new husband divorces her or dies	<u>24:3</u>
B	The former husband cannot take her again as wife	<u>24:4</u>
A'	When a man takes a woman, he receives a military deferral	<u>24:5</u>

In this reading, the structural center remains much the same: a divorced woman, who has remarried, faces the loss of her new husband (24:3). Can she remarry her original husband, if he wants to take her back? According to the law (24:4), he cannot; however, in the story of Gen 20, which is shaped by this law, Abraham did take Sarah back from the king of Gerar—but one wonders, at what cost in terms of their subsequent relationship?

Setting the permission for the man to divorce his wife in the first place (24:1) over against the law of deferral from military service, with its injunction that the man is responsible “to bring happiness to his wife whom he has taken” (24:5), the outer frame in this structure raises the question as to why the possibility of remarriage in this instance is denied. Perhaps, once again, we are dealing with a law intended primarily as a teaching device on the deterrence of divorce in the first place—somewhat like the law of the insubordinate son (21:18–21) and the woman guilty of premarital unchastity (22:13–21). A contract for remarriage of a Jewish couple in the year 124 C.E. was found in a cave at Wadi Murabba’at near Qumran (DJD 2:243ff.; see Tigay [1996] 222, who also cites a later such contract for remarriage in A. Gulak, *Otsar Ha-Shetarot* [Jerusalem: Defus Ha-Po’alim, 1926] 42, no. 37 [reference courtesy of J. C. Greenfield]). Tigay notes that Islamic law prescribes exactly the opposite of what we

find here: “if a man has irrevocably divorced his wife, he may not remarry her unless she *has* been married in the interim. When a couple wishes to reunite, a beggar is hired to marry the woman and consort with her for one night, after which he divorces her and frees her to reunite with her husband. Wives understandably find this repulsive, and some Muslims permit a sacrifice to be offered in place of the intervening marriage” ([1996] 222, citing Quran 2:229–30, with commentary of Abdullah Yusuf Ali, *The Holy Qur’an* [Washington, DC: American International Printing, 1946]; Granqvist, *Marriage Conditions*, 2:281–82; Neufeld, *Ancient Hebrew Marriage Laws*, 244).

The words “when a man takes a woman” (כִּי־יִקַּח אִישׁ אִשָּׁה) are used as the primary rhetorical marker to indicate the structure of 24:1–5 and its relation to 21:11 and to 22:13–23:1, where the same expression is used as an inclusion to mark the beginning and ending of a parallel prosodic unit—what I have called the laws on marital and sexual misconduct in 22:13–29 (see also 21:11 in the law on marriage with a woman captured in war, where the expression is first introduced). Here the words are used to mark the beginning of each of the major subunits (vv 1–4 and 5) and the ending of v 5 as well, in modified chiasmic form: אֶת־אִשְׁתּוֹ אֲשֶׁר־לָקַח, “his wife whom he has taken.” The phrase thus appears eight times (within a seven-part concentric structure) in the sixth of the eleven weekly portions in the lectionary cycle of Torah readings (21:10–25:19):

A	Beginning of sequence (21:10–14)	וּלְקַחַת לָךְ לְאִשָּׁה	21:11
B	Beginning: marriage and sex laws (22:13–29)	כִּי־יִקַּח אִישׁ אִשָּׁה	22:13
C	Beginning: marrying one’s father’s wife	לְאִי־קַח אִישׁ אֶת־ אִשְׁתּוֹ	23:1
X	Beginning: renovation of marriage (24:1–4)	כִּי־יִקַּח אִישׁ אִשָּׁה	24:1
C’	Beginning of inner frame within same law	אֲשֶׁר־לָקַחָהּ לּוֹ לְאִשָּׁה	24:3
	End of frame within same law	לְקַחַתָּהּ לְהִיּוֹת לּוֹ לְאִשָּׁה	24:4
B’	Beginning: deferral of new husband	כִּי־יִקַּח אִישׁ אִשָּׁה	24:5
A’	End of sequence	אֶת־אִשְׁתּוֹ אֲשֶׁר־ לָקַח	24:5

The piling up of this formulaic expression in 24:1–5 indicates that we have reached the end of the larger section of laws on the seventh commandment, the prohibition of adultery. What follows in 24:6–25:16 focuses primarily on humanitarian concerns

(commandments eight through ten, on theft, false witness, and coveting), within a framework on matters of “love and war” (commandments six and seven, prohibiting murder and adultery) in 24:5 (on military deferral for a new husband) and 25:17–19 (on Holy War—remember to “hate” the Amalekites).

It is interesting to note how the story about Abraham, Sarah, and Abimelech begins in Gen 20. After Abimelech sent and took Sarah into his household (Gen 20:2), God appeared to him in a dream with these words (20:3): “You are a dead man because the woman you have taken is another man’s wife.” The story picks up where the above sequence of formulaic expressions left off in Deut 24:5. It should be noted that the phrase “another man’s wife” (בעלת בעל) appears only twice in the Hebrew Bible: in Gen 20:3 and Deut 22:22, which repeats the law forbidding adultery at the structural center of the collection of laws on marital and sexual misconduct (22:13–23:1). These laws are framed by repetition of the formula “when a man takes a woman.” It should be noted that God’s words to Abimelech, “You are a dead man” (הנך מת), which immediately precede the formulaic expression in question in Gen 20:3, are similar to the words that immediately precede the twofold repetition of the same formula in Deut 24:3–4, כי ימות האיש, “for the man shall die.”

In the shift to Abraham at this point in the use of the laws in Deuteronomy to shape the Genesis narrative, we learn that the problems involving offspring and the increase in numbers, which are part of the promises to the fathers, were there from the beginning. The subsequent story of Abraham and Sarah, in regard to the birth of their son Isaac, is shaped by the law about exemption from military service in 24:5.

Abraham did not technically divorce Sarah, nor did Abimelech consummate a marriage with her, so obviously he could not divorce her in a legal sense. Nonetheless, Abraham did set her free to the point that she was taken into Abimelech’s house as his spouse. Abimelech did subsequently “divorce” her, a second time, as it were; and in this instance Abraham “remarried” his former wife, an act, of course, contrary to the law of Moses. One gets the impression that the storyteller is taking delight in the subtle manner in which he is able to show how the fathers in Genesis appear to violate the laws in Deuteronomy. But, after all, that would be permissible, since in the time of Abraham, Isaac, and Jacob, the law of Moses had not yet been given. Moreover, it should be noted that Abraham’s stratagem encouraged Sarah’s adultery. She has been “defiled” (הטמאה, Deut 24:4). Carmichael notes that God declared to Abimelech that his offense was that of adultery, “an abomination to Yahweh” (*LNB*, 257).

The law of giving pleasure to a new wife in 24:5 is used to carry the story of Abraham and Sarah a significant step further. “Apart from his fear that a foreign potentate might take his wife and kill him, Abraham was also faced with the prospect that should he die he would have no heir by his chief wife Sarah” (Carmichael, *LNB*, 258). But God himself had promised Abraham a son by Sarah. It is the story of the birth of this son, Isaac, that is shaped by the law of military deferral in Deut 24:5.

The law grants a newly married man a year’s exemption from military duty so that “he should bring happiness to his wife whom he has taken” (ושמח את אשתו אשר-). לקח). The purpose of the original law may have been to provide the occasion for the couple to enjoy the birth of their first child. But the narrative story of Genesis emphasizes the notion of giving pleasure to the woman. The birth of Isaac was to take

place within the course of “one year,” as the following words indicate: “I will surely return to you in the spring, and Sarah your wife shall have a son” (Gen 18:10). Sarah’s response was shaped by the law in Deut 24:5: “After I have grown old, and my husband is old, shall I have pleasure?” (Gen 18:12). The use of the word “pleasure” (עֲדִנָּה), which appears in the feminine form only here in the Hebrew Bible, points the reader to the story of creation in Gen 2–3 and the garden of Eden (עֵדֶן), the proverbial source of pleasure for the first man (Adam) in the creation of the first woman (Eve). Moreover, the story that unfolds in the life and progeny of the promised son, Isaac, is an event of parallel magnitude in God’s special creation of his own people, the children of Israel.

The evidence from Labuschagne’s “logotechnische analyse” for 24:1–5 may be summarized as follows:

Words:	before 'atnāḥ		after 'atnāḥ			
			ḥ			
<u>24:1–3</u>	18			+	32	= 50
<u>24:2–3</u>		13		+	13	= 26
<u>24:2–5</u>		45		+	33	= 78 (= 3 × 26)
<u>24:3–4</u>		30		+	19	= 49 (= 23 + 26)
<u>24:4–5</u>		32		+	20	= 52 (= 2 × 26)
<u>24:5</u>		13		+	10	= 23
<u>24:1–5</u>	50			+	52 (= 2 × 26)	= 102 (= 6 × 17)
<u>24:6–9</u>		28		+	23	= 51 (= 3 × 17)
<u>24:1–9</u>	78	(= 3 × 26)		+	75	= 153 (= 9 × 17)

In the numerical composition of the text it appears that the primary literary unit is 24:1–9, which includes five laws. The total number of words in these nine verses comes to 153 (= 9 × 17), which is also the sum of the digits 1 through 17. Within these verses there are 78 (= 3 × 26) words before 'atnāḥ. This unit is divided in two main parts: vv 1–5, with its total of 102 (= 6 × 17) words, in which there are 52 (= 2 × 26) words after 'atnāḥ; and vv 6–9, with its total of 51 (= 3 × 17) words, in which there are 23 words after 'atnāḥ. Within vv 1–5 there are a series of overlapping structures based on the divine-name number 26 and the numbers 32 and 23 (the two ways of counting the numerical value of כבוד, “glory”).

Comment

1–4 I have translated the expression ערות דבר as “a naked thing” (BDB, 789; see the *Comment* on 23:15). It is possible to interpret the phrase as something like “pudenda exposed” in an attempt to draw the reader’s attention to the riddle-like quality of the words. Since these words in 23:15 are used to form an inclusion with “any bad thing” (כל דבר רע), it is clear that the interpretation “something indecent, obnoxious, or shameful” is not far off the mark as an interpretive comment. Such a rendering does not communicate the terse quality of the original Hebrew expression, however, which defies concrete objective definition. The word ערוה comes from the root ערה, “to be naked,” and is commonly used with the meaning “nakedness” or “genitals” (particularly of a woman). Incest is described in Leviticus as uncovering a relative’s ערוה. Though most translators and commentators agree that the phrase refers to sexually indecent behavior, it is clear that it does not mean adultery, because the biblical punishment for adultery is execution. The phrase is taken here as an idiom, perhaps analogous to the English expression “caught with one’s pants down.” The “naked thing” here is essentially the woman’s genitals (cf. also Lam 1:8, of the personified city of Jerusalem). The interpretation “pudenda exposed” attempts to convey the idiomatic quality of the phrase in a manner that raises questions for the reader rather than simply supplying a definitive answer. The phrase means that the issue at hand, whatever it is, is out in the open for all to see—the woman “is caught with her pudenda exposed.”

As stated here, “a bill of divorce” (ספר כריתה) was written by the husband. The term כריתה means literally “severance.” It is possible that the term originally referred to the symbolic act of cutting the wife’s hem or garment, which is the ceremonial act of divorce in ancient Mesopotamia, according to Tigay ([1996] 221–22). The phrase “she has been defiled” (הטמאה) refers to the woman in relation to her first husband and not a general state brought about by her remarriage. The reference to “an abomination before YHWH” can be interpreted in two ways, as Mayes has observed ([1981] 323): either the act of remarriage itself (with Craigie, [1976] 305, who compares the situation with the law on adultery in Lev 18:20), or the woman herself. It is the action of the woman that is “an abomination to YHWH,” rather than the effect of that action on the land (cf. Jer 3:1). On the relation between the law here and its parallel in Jer 3:1–5, see Hobbes, *ZAW* 86 (1974) 23–29.

5 The phrase “a new wife” (אשה חדשה) refers to one who has never been married, or to a second marriage, but not to one’s ex-wife. Otherwise some men might seek to gain deferral from military service by divorcing and remarrying their wives. The man is to “remain at home one year,” presumably to conceive a child. According to Tigay Hebrew ושמח, “bring happiness,” could also be translated “gratify” in the sense of giving the wife conjugal pleasure ([1996] 223). The concern for the woman’s feelings is also expressed in 21:10–14 (marriage with a woman captured in war). See also the earlier law on military deferral in the context of preparing the army for battle (20:6–8). Some Hebrew texts read ושמח, which would mean “he shall have happiness with his bride,” in the sense that the two rejoice equally, or that he rejoices over her. Craigie cited a parallel in the Ugaritic texts (CTA14.II.100–102 = *UT Krt* 100–102) where the

practice was suspended because war was being undertaken to acquire a new wife for King Keret ([1976] 306 n. 5).

Explanation

The biblical teaching on divorce has been a matter of debate in times past as well as in current discussions within both the church and the synagogue. In short, as R. Wall has put it, “Matthew’s exception clause becomes an ironical reminder that one’s character is formed by a God whose will is for indissoluble monogamy (19:6). Clearly, the sum of the synoptic tradition argues that Jesus’ teaching intended to create among his disciples an intolerance for divorce even though Jewish law tolerated it” (*ABD* 2:218).

It is important to note that there are no laws on divorce as such in the Torah. Some would argue that such laws were common knowledge in ancient Israel, and that the law here presupposes such divorce proceedings as normal legal action in that society. Though this is probably true, it seems that the issue at hand is not so much the matter of divorce per se as it is the meaning of marriage, with a profound reflection on “the great evil” (דבר רע) that is present wherever divorce is experienced. Divorce wreaks havoc in the lives of all concerned. The original intent of the Torah in matters concerning marriage is that of an inviolable union. The man’s responsibility in this relationship is “to bring happiness to the woman he has taken” (24:5); but in some instances this may not be possible.

The law as stated in 24:1–5 and expanded in the narrative of Gen 20 recognizes the consequences of divorce for all concerned, because of its finality. Divorce is a form of death, the only difference being the simple fact that the corpses are still walking around! Life presents moments of ultimate decision, and the matter of divorce is one of those “moments.” Divorce provides an ending, without the possibility of returning to what may have been, at least within the limitations of life in this present world. The matter is a bit like the profound story of the “man of God” in 1 Kgs 13 killed by the lion of Judah, who stood guard over his corpse without mauling the body. The man died because he ate bread and drank water in Bethel, contrary to what God had demanded of him. But God also commanded him not to “return by the way that you came” (1 Kgs 13:9). There is a reason why the laws of Deuteronomy have linked the subjects of “love and death” (i.e., marriage and war). To go home by a different way in the matter of remarriage means to step out into the unknown, into unfamiliar territory, on a new journey of faith. To attempt to go home by the way that one has come is contrary to the law of 24:1–4, because in almost all cases it is the way of death itself. The time to work through marital differences is before divorce, not in a second marriage to a former spouse.

3–4. Taking a Millstone in Pledge and Theft of a Fellow Israelite (24:6–7)

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Translation and Prosodic Analysis

Taking a Millstone as Distraigned Property [6:6]

⁶ <i>No one shall take in pledge a handmill /</i>	10	1
<i>or an upper millstone //</i>	5	1
<i>for that would be taking a life / in pledge // ד</i>	10	2

Theft of a Fellow Israelite

⁷ <i>When a man is found / stealing a person from his brothers /</i>	20	2_
<i>from the sons of Israel /</i>	9	1
<i>and he treats him as merchandise / and he sells him //</i>	13	2
<i>Then that thief\ shall die /</i>	11	1
<i>and you shall purge the evil / from your midst //</i>	13	2_

Notes

6.a. LXX reads ἐνεχούρασεις (= תחבל), “you shall take in pledge,” for MT יחבל, “he shall take in pledge.”

7.a. Sebire reads הָרַב , “(he treats) her,” for MT הָרַב , “(he treats) him.”

7.b. Reading *paštā*’ followed by *zāqēp qāṭôn* as conj.

7.c. Reading 2 pl. with LXX and Syr. as *lectio difficilior* (cf. Note 24:4.c), which is another instance of the so-called *Numeruswechsel*. This might help to explain the absence of the *sētûmā*’ paragraph marker in MT as redundant.

Form/Structure/Setting

As shown in the previous section, 24:5 functions as a bridge, serving as the conclusion to 23:2–24:5 and the introduction to what follows in 24:5–25:19. The six laws in 24:5–13 are closely connected in terms of their prosodic structure, which may be outlined in five rhythmic units:

A	Deferral of a new husband from military service	[6:6]	<u>24:5</u>
B	On taking ruinous action against a fellow Israelite	[6:6]	<u>24:6–7</u>
X	Dealing with “leprosy”	[6:6]	<u>24:8–9</u>
B’	Entering your neighbor’s house to take a pledge	[6:6]	<u>24:10–11</u>
A’	Returning a poor man’s pledge at sundown	[6:6]	<u>24:12–13</u>

Each of the five parts in this structure has twelve syntactic accentual stress units, which may be scanned in identical 6:6 rhythmic units. To do this, however, it should be noted that the phenomenon of enjambment occurs in vv 6–7, in which the thought runs across the verse division in a somewhat surprising manner. See further below.

The center of the above structure focuses attention on the enigmatic law on dealing with “leprosy” (vv 8–9). The inner frame is made up of parallel laws on matters pertaining to ruinous action against a fellow Israelite by “stealing a person” (vv 6–7), and by entering a neighbor’s house to take his pledge on a loan (vv 10–13). The outer frame moves from one specific instance of showing humanitarian concern to another: from deferral of a new husband from military service (v 5) to the return of a neighbor’s pledge at sundown (vv 12–13).

The seven laws on ruinous action against a fellow Israelite in 24:6–22 may be outlined in a menorah pattern as well, to form another “wheel within a wheel” in the architectural design of the laws in Deuteronomy:

A	Taking a millstone as pledge (distrained property)	<u>24:6</u>
B	Theft of a fellow Israelite (kidnapping)	<u>24:7</u>
C	Dealing with “leprosy”	<u>24:8–9</u>
X	Taking and holding distrained property	<u>24:10–13</u>
C’	Timely payment of wages	<u>24:14–15</u>
B’	Transgenerational punishment	<u>24:16</u>
A’	Protecting aliens, the fatherless, and widows	<u>24:17–22</u>

The framework in this structure moves from a specific law on the taking of distrained property (a millstone, v 6), to another more detailed law on the subject of distrained property in the structural center (vv 10–13), to a general statement of concern for protecting the poor and vulnerable in society (vv 17–22). The outermost pair of laws within this framework moves from a law on the theft of a fellow Israelite (kidnapping, v 7) to a law prohibiting transgenerational punishment (v 16). The inmost pair of laws concern the matter of “leprosy” (vv 8–9) and the timely payment of wages due (vv 14–15).

Another way of looking at the structure of the laws in 24:5–25:19 is to outline the whole collection in a concentric structural design:

A Deferral of a new husband from military service	<u>24:5</u>
B Taking a millstone as pledge	<u>24:6</u>
C Theft of a fellow Israelite (kidnapping)	<u>24:7</u>
D Dealing with “leprosy”	<u>24:8–9</u>
E Taking and holding distrained property	<u>24:10–13</u>
F Timely payment of wages	<u>24:14–15</u>
G Transgenerational punishment	<u>24:16</u>
X Protecting aliens, the fatherless, and widows	<u>24:17–18</u>
G’ Gleanings for the poor	<u>24:19–22</u>
F’ Limits on flogging	<u>25:1–3</u>
E’ Not muzzling the ox	<u>25:4</u>
D’ Levirate marriage	<u>25:5–10</u>
C’ Immodest intervention in a fight	<u>25:11–13</u>
B’ Honest weights and measures	<u>25:13–16</u>
A’ Remembering the Amalekite aggression	<u>25:17–19</u>

The outer frame in this structure moves from a law on warfare, which grants military deferral (24:5), to the concluding injunction to hate the Amalekites because of their enmity in the first war the people of Israel faced when they went out from the land of Egypt (25:17–19). Within this framework are a series of twelve laws, arranged so as to place the summary law on protecting the symbolic trio of poor and vulnerable folk (resident alien, orphan, and widow) in the structural center (24:17–22). All the other laws in 24:6–25:16, which are framed by the two laws on matters of warfare, explore humanitarian issues that pertain primarily to commandments eight through ten (prohibition of theft, false witnesses, and coveting).

The two laws in 24:6–7 are of unequal length, and the boundary between them is marked with a *sētûmā*’ paragraph marker after v 6; but there is no such marker at the end of v 7. Indeed, the space left in *BHS* is conjecture on the part of the editor. No space was left at this point in L, though the *Numeruswechsel* is present, as restored from LXX and Syr.

In light of the prosodic analysis, the clause at the beginning of v 7 could be read in two different ways. The first reading is determined by the *sētûmā*’ marker that divides the two verses into separate literary units and two distinct laws. A second reading, however, is also possible, and indeed is dictated by the rhythmic structure of the whole.

Repetition of the word **נפש**, “life,” ties the clause to what precedes by the phenomenon of enjambment. The matter of “taking a life in pledge” (v 6) is explained as “stealing a person [life] from his brothers” (v 7). The rhythmic unit that follows, then, begins with further definition in terms of the meaning of “his brothers,” namely the “sons of Israel” who “treat him as merchandise and sell him.” The allusion to the story of Joseph and his brothers in Genesis is transparent, as Carmichael has observed (*LNB*, 261–62). See further below.

It is interesting to note that the proverblike wording of the law on the taking of a millstone as a pledge in 24:6 also lends itself to a concentric reading, in which the term **חבל**, “pledge,” functions as an inclusion:

A	“He shall not take in pledge”	לא־יחבל
B	“a mill”	רחים
X	“or an upper millstone”	ורכב
B’	“for that would be taking a life”	כי־נפש
A’	“in pledge”	הוא חבל

It is the portable upper millstone “rider” (**רכב**) in the center of this structure that would be taken away in pledge by the creditor. The inner frame states the issue in the symbolic language of a proverb: the mill(stone) in the home is a matter of life and death, so do not take it in pledge. To take an essential household item as collateral in order to pressure repayment of a loan is regarded as so oppressive that it is equivalent to “taking a life in pledge.”

Referring to Sarah’s exclusion of Hagar and Ishmael from the family (Gen 21), Carmichael says: “It is ... accurate to paraphrase Abraham’s agreement to Sarah’s request by stating that it constituted his promise to give Isaac the prime inheritance because she had granted him the benefit of this son. By so agreeing, a life (Ishmael’s and perhaps Hagar’s too) was literally at stake” (*LNB*, 260). The illustration that was selected to accompany Richardson’s article, “Mill, Millstone” (*IDB* 3:380), of a statuette of a woman grinding grain with a millstone, from Gizeh, is essentially a portrait of Hagar, the Egyptian handmaid of Sarah; that would have been one of her daily tasks. Taking “a mill or an upper millstone” in pledge could easily lead to starvation within a family. Note also how the issue of starvation itself arises in the story.

It is a short step from the idea of “taking a life in pledge” of the previous law to that of forcibly acquiring a person, enslaving them, or selling them into slavery. It is also a short step so far as the narrative in Genesis is concerned to move ahead to the selling of Joseph into slavery in Gen 37:26–28. Of all the connections between a specific law in Deuteronomy and its narrative counterpart in Genesis, this is the most transparent.

The sale of Joseph to Ishmaelites connects this law with the previous one and its links with Hagar, the mother of Ishmael. “Oppression characterizes each story. Hagar and Ishmael were cast out from their home and family; so too was Joseph. Each time the cruelty arose within the family; each time material gain was involved. Sarah acquired the prime inheritance for Isaac, and Joseph’s brothers received money from the Ishmaelites” (Carmichael, *LNB*, 262). Moreover, in contrast with Isaac, when his mother Sarah ousted his older brother, Ishmael, Judah lost out in his attempts to oust his younger brother Joseph from his position as his father’s favorite son (Gen 37:26; 38; 49:8–12).

It should be noted that the term **הִתְעַמֵּר**, “to treat (someone) as merchandise,” occurs only here and in the law legislating against the bad treatment of a captive woman (21:10–14), linked to Laban’s rebuke of Jacob for running off with his two daughters. “From Laban’s perspective Jacob had wrongfully removed them (‘like captives of the sword’) from their homeland, Aram (Gen 31:25–50). Joseph too was removed from his homeland” (Carmichael, *LNB*, 262).

Once again, it is interesting to read the law in 24:7 itself as a concentric structure, which may be outlined as follows:

- A If a man is found stealing one of his brothers
- B And he treats him as merchandise
- X And he sells him
- B’ That thief shall die
- A’ Purge the evil from your midst

The focus of the law is that a man has stolen one of his brothers, whom he has sold into slavery. That evil must be purged “from your midst.” If a man treats his brother as merchandise and sells him, that man must die.

Comment

6 “A handmill or an upper millstone” (**רַחִים וְרֹכֵב**), a necessary item in food preparation, was made of basalt or other hard stone able to withstand constant rubbing (for photo see *ANEP*, no. 149; and *IDB* 3:380 [Egyptian woman using a mill]). Millstone sets were used to make flour for bread and thus were part of the necessary “kitchen utensils” in every home. To dispossess a family of its grain mill would amount to taking away its means of sustenance. It would appear that creditors took only the upper stone, which usually weighed about four or five pounds (Tigay [1996] 223; cf. idem, *FS J. Milgrom*, 374–76). To “take in pledge” (**חָבַל**) refers to distraint to compel repayment of a loan. The phrase “taking a life” means that the item is a necessary means of survival. “Items necessary for producing food ... were often called ‘life’ in Mesopotamian, Egyptian, and postbiblical Jewish literature” (Tigay [1996] 224, who gives further references).

7 According to Craigie ([1976] 307), the law here is essentially a restatement of the eighth commandment in which the crime of “stealing” is in fact kidnapping (5:19).

Unlike its parallel in Exod 21:16, which forbids kidnapping in general, the law here forbids a man from “stealing a person from his brothers from the sons of Israel.” The interpretation of the law in terms of the story of the sale of Joseph by his brothers helps to explain this anomalous feature. On the meaning of והתעמר as “he treats him as merchandise,” see the *Comment* on 21:14. The term appears in the Hebrew Bible only in these two places, where the Targums interpret it in this manner. The penalty is severe—“that thief shall die”—because the crime is essentially that of “social murder,” to use the words of Craigie ([1976] 307). The same penalty applies in the Code of Hammurabi (*ANET*, 166, §14).

Explanation

All too often throughout history wealth has been garnered at the expense of others, sometimes by exploitation that reduces people to subsistence levels of living and premature death. In the world of antiquity, the millstone was an absolute necessity of life. It was needed daily to reduce grain to groats, meal, or flour. The sound of the grinding of the millstones was as characteristic of the common home as the light of the lamp (Jer 25:10). To dispossess a family of their millstone was to take from them the means of sustenance. Thus the law declares that there are limits to what a person may take from another in payment for a loan that is due. No matter what the circumstances may be, we do not have the moral right to take from another person their means of livelihood, however much they may owe us for loans made in times past.

In like manner, no one has the right to “steal a person [life]” by treating a fellow human being as merchandise. Though the text here refers directly to the circumstance of kidnapping, the principle applies to the matter of selling someone into slavery as well. In either case the culprit was condemned to death in ancient Israel. We do well to remember that there are many ways to “enslave” a fellow human being. Those who traffic in addicting drugs, including tobacco and alcoholic beverages, or encourage other addictions such as gambling, pornography, and illicit sex, are often guilty of stealing the life of a fellow human being. In biblical law there is no comparison between those who would steal livestock, or property of any sort, and those who would “steal” a human life. The punishment for the latter was death.

5. Dealing with “Leprosy” (24:8–9)

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Translation and Prosodic Analysis

Dealing with “Leprosy” [6:6]

⁸ <i>Be careful in an attack of leprosy /</i>	12	1
<i>to be very diligent \ indeed to do //</i>	11	1
<i>according to all they shall teach you /</i>	11	1
(Namely) the Levitical priests /	10	1
just as I commanded them / you shall be careful to do // ד	<u>15</u>	2_
⁹ Remember / what he did /	12	2
(what) YHWH your God (did) / to Miriam //	13	2
<i>in the way / in your going out from Egypt // ד</i>	<u>13</u>	2_

Notes

8.a. Reading *tiphā*’ as conj. because of misplaced *’atnāh*.

8.b. Two Heb. MSS, SP, and LXX omit *waw*-conj., which is read here as emphatic (M. Dahood, *Psalms III: 101–150*, AB 17A [Garden City, NY: Doubleday, 1970] 400–402).

8.c. SP and LXX add התורה, “the Torah”; Syr. omits כל. Prosodic analysis favors MT.

8.d. Syr. reads והלויים, “and the Levites,” for MT הלויים, “the Levites.”

9.a-a. Vg. reads 2 sg. בצאתך for MT בצאתכם, “in your [pl.] going out.”

Form/Structure/Setting

The law on leprosy in 24:8–9 is enigmatic because of its brevity. The people are commanded to “be careful in an attack of leprosy to be very diligent indeed to do

according to all [the Levitical priests] shall teach you” (v 8); but the details of that teaching are not spelled out. Instead the subject shifts abruptly to what appears at first glance to be another law commanding the people to “remember what ... YHWH your God (did) to Miriam in the way in your going out from Egypt” (v 9), for the two verses are separated by the *sētūmā*’ paragraph marker. Knowledge of the detailed teaching on the subject of “leprosy,” as preserved in Lev 13–14, is assumed, as is the incident of Miriam challenging Moses’ unique relation to God in Num 12 and her punishment as she became “leprous, as white as snow” (Num 12:9).

When the law on leprosy (24:8–9) is examined in its larger context within Deut 24, its function becomes evident as a “riddle at the middle” in the following concentric structure:

A Deferral of a new husband from military service	<u>24:5</u>
B Taking a millstone and theft of a fellow Israelite	<u>24:6–7</u>
X Dealing with “leprosy”	<u>24:8–9</u>
B’ Taking and holding distrained property	<u>24:10–13</u>
A’ Three laws on protecting the poor and vulnerable	<u>24:14–22</u>

The inner frame in this structure moves from a specific law on the matter of taking a millstone as distrained property, which is structurally tied to the law on kidnapping (24:6–7), to a more general law on taking and holding distrained property from a poor debtor (24:10–13). The outer frame is another example of the familiar three-plus-one pattern in Jungian psychology, with three laws on protecting the poor and vulnerable in society (24:14–22) set over against a single law granting military deferral to a new husband (24:5). The center of this structure (24:8–9) raises the question as to the meaning and significance of the “riddle at the middle.”

The *sētūmā*’ layout markers as given in *BHS* are misleading. There is no space after v 7 in L, though there is space at the end of one line and the beginning of the next to mark the end of v 8 (as is the case at the end of vv 6 and 13). The frequency of the *Numeruswechsel*, which appears four times in three verses (at the end of vv 7 and 8, and twice in v 9), suggests that we are dealing here with a pivotal passage in terms of prosodic structure.

A concentric reading of the law in question (vv 8–9) is instructive, as the following outline indicates:

A Be careful in an attack of leprosy
B Be very diligent indeed to do
X According to all that the Levitical priests shall teach you
B’ As I commanded them, you shall be careful to do
A’ Remember what God did to Miriam after you left Egypt

The teaching of the Levitical priests is central in this reading and the people are instructed to follow that teaching, in any “attack of leprosy.” In a symbolic sense, leprosy is associated here with God’s punishment of those who fail to recognize proper authority.

In the larger concentric structure of the laws of 24:5–25:19 taken as a whole, the text on the “leprosy” of Miriam is to be read over against the law on the woman who

intervenes inappropriately in a fight (25:11–12). In that instance we are also dealing with a transitional law from a literary point of view, in which the narrative is moving to a law associated with Joseph (25:13–16, honest weights and measures), whereas in the present context the narrative is moving in the opposite direction: *from* a law associated with Joseph (24:7, the theft of a fellow Israelite).

The issue at hand appears to be the matter of Moses’ authority over the Levitical priests. In the narrative of Num 12, Aaron was the first to recant and acknowledge that Moses was God’s appointed leader. Aaron was also the one who requested that Miriam be healed. In short, “Moses emerges as the key authority in the incident, and in that Aaron as the head of the Levitical priests is made to recognize this, the lawgiver infers that their instructions were the ones to be followed in curing leprosy” (Carmichael, *LNB*, 264).

Labuschagne’s study of the use of the divine-name numbers in 24:8–9, within the larger context of 24:1–9, may be summarized as follows:

Words:	before 'atnāḥ		after 'atnāḥ			
<u>24:8–9</u>	13	+	13	=	26	
<u>24:1–5</u>	50	+	52 (= 2 × 26)	=	102 (= 6 × 17)	
<u>24:6–9</u>	28	+	23	=	51 (= 3 × 17)	
<u>24:7–9</u>	24	+	19	=	43 (= 17 + 26)	
<u>24:1–9</u>	78 (= 3 × 26)	+	75	=	153 (= 9 × 17)	

The law dealing with “leprosy” in 24:8–9 is a single literary subunit made up of 26 words. It is closely related to what precedes and follows in the subunit 24:7–9, with its 43 (= 17 + 26) words. The larger literary context is 24:1–9, with 78 (= 3 × 26) words before 'atnāḥ and its total of 153 (= 9 × 17) words, which is also the sum of the digits 1 through 17.

Comment

8 צרעת, translated “leprosy” here, describes a rather wide range of conditions referred to in the Bible—conditions on the skin, in cloth fabric, and on walls. In reference to skin disease, the term does not necessarily refer to leprosy (Hansen’s disease) as defined by modern medicine. Lev 13–14 contains instructions for the priests, who observed and diagnosed the symptoms. “The exhortation at this point assumes that the legislation on leprosy is known to the audience, and Moses simply exhorts the people to be diligent in their observation of that legislation” (Craigie [1976] 308). The individual is instructed “to do according to all [the Levitical priests] shall teach you.”

On **הכהנים הלויים**, translated here as “Levitical priests,” see the *Comment* on 18:1–2.

9 The instruction to “remember what ... YHWH ... (did) to Miriam” calls attention to the incident related in Num 12:10–15. Milgrom has noted that Miriam received special treatment in this instance, since she was isolated only one week instead of two (*Numbers* [1990] 98). The point seems to be “that nobody is immune, so that people wouldn’t assume ‘it can’t happen to me’ and fail to consult a priest regarding a potentially ‘leprous’ skin affliction” (Tigay [1996] 225).

Explanation

The leprosy of Miriam was inflicted by God for her hubris in challenging Moses' unique role in ancient Israel as covenant mediator and leader of the people. It should be noted that Miriam was also a spiritual leader (see Exod 15:20; Mic 6:4). She is one of five women in the Hebrew Bible who are designated as a "prophetess" (נְבִיאָה, Exod 15:20), the others being Deborah (Judg 4:4), Huldah (2 Kgs 22:14; 2 Chr 34:22), the wife of Isaiah (Isa 8:3), and Noadiah (Neh 6:14). In spite of her rank and character as presented in the book of Exodus, Miriam was excluded from the camp for seven days and restored only when she submitted to the authority of Moses.

Though we cannot identify the precise nature of the skin disease with which Miriam was afflicted, it is clear that her "leprosy" was a divine punishment that brought pollution into the midst of God's people. She was ritually unclean and had to undergo certain rites of purification before she could resume her place in that community.

There is a significant lesson here for anyone who would presume to challenge the role of a leader God has raised up within a given community. Such action is sinful and brings pollution in its wake that must be dealt with. No one in leadership, however high the rank or position, is immune from the danger of committing Miriam's sin of hubris. When such a matter occurs, the law is clear: God himself will bring punishment in the form of "leprosy"—a symbolic way of saying that a contaminating disease will become evident on that person, and that disease must be dealt with according to God's own instructions. The afflicted person is to be excluded from the "camp" for a season, until such time as the proper rites of purification have removed the pollution, and the guilty party submits once again to proper authority under God.

6. Taking and Holding Distrained Property (24:10–13)

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Translation and Prosodic Analysis

Taking and Holding Distraigned Property [(6:6):(6:6)]

10	When you make a loan to your neighbor a loan of any sort //	14	2
	you shall not enter his house / to take his pledge //	20	2
11	outside / you shall stand //	7	2_
	And the man / to whom / you make the loan /	15	3
	he shall bring to you / the pledge / outside //	<u>18</u>	3_
12	And if he is / a poor man //	10	2
	you shall not sleep / in his pledge //	10	2
13	You shall surely return the pledge to him /	15	1
	when the sun goes down /	6	1_
	That he may sleep in his garment / and he shall bless you //	17	2
	and it shall be counted as righteousness / for you /	11	2
	before / YHWH your God // ס	<u>12</u>	2_

Notes

10.a-a. One Heb. MS and SP read **תשא** for MT **תשה**, “you make a loan,” with no change in meaning.

10.b. Reading disj. accent *tiphā*’ here with most Heb. MSS and printed editions, including Letteris.

11.a-a. Two Heb. MSS and SP read **תשא** for MT **תשה**, “you make a loan,” with no change in meaning.

11.b-b. DSS and SP read **יוצא** for MT **יוציא**, “he shall bring,” with no change in meaning.

13.a. Many Heb. MSS and DSS read **העבט** for MT **העבוט**, “the pledge,” with no change in meaning.

13.b. SP reads **בְּשִׁמְלָתוֹ** for MT **בְּשִׁמְלֹתוֹ**, “in his garment,” with no change in meaning.

13.c. On a parallel use of **צדקה**, “righteousness,” see [6:25](#).

Form/Structure/Setting

As noted in the previous section of this commentary, the laws on taking and holding distrained property in Deut 24 are in two parts (24:6, on taking a millstone in pledge; and 24:10–13), which form a frame around the law dealing with “leprosy” (24:8–9). Another way of looking at the function of 24:10–13 within the structure of Deut 24 is to outline the whole, in relation to the corresponding narrative stories in Genesis, within a menorah pattern:

A	Taking a millstone as pledge	(Isaac and Ishmael)	<u>24:6</u>
B	Theft of a fellow Israelite	(Joseph and brothers)	<u>24:7</u>
C	Dealing with “leprosy”	(Miriam [and Moses])	<u>24:8–9</u>
X	Taking and holding distrained property	(Isaac and Rebekah)	<u>24:10–13</u>
C’	Timely payment of wages	(Jacob and Laban)	<u>24:14–15</u>
B’	Transgenerational punishment forbidden	(Hamor and Shechem)	<u>24:16</u>
A’	Protecting aliens, orphans, and widows	(Joseph in Egypt)	<u>24:17–22</u>

The framework in this structure moves from a specific law on taking a millstone in pledge (24:6), to a more general law on the taking of distrained property in the center (vv 10–13), and back to a specific law on the taking of a widow’s garment in pledge at the end (vv 17–22). When one examines the narrative stories in Genesis that are shaped by these three laws, the story begins with the conflict between Isaac and Ishmael, as sons of Abraham, concerning who will be the primary heir (Gen 21:9–12), to the marriage between Isaac and Rebekah (Gen 24, with a flashback to God’s covenant with Abraham in 15:5–21), and concludes with the expanded story of Isaac’s grandson Joseph in Egypt (Gen 37–47). Within this framework, the first pair of laws moves from that of kidnapping (Deut 24:7) to the prohibition of transgenerational punishment (24:16). In this instance the corresponding narrative stories are the sale of Joseph into slavery by his brothers (Gen 37:26–28) and the plight of the Canaanite king Hamor and his son Shechem (Gen 34). The next frame moves from the law on leprosy (Deut 24:8–9) to the law on timely payment of wages (24:14–15). The corresponding narratives here are the stories about Miriam’s sin (Num 12:1–14) and Jacob as the hired servant of Laban (Gen 31:4–42).

The boundaries of the law on taking and holding distrained property in Deut 24:10–13 are marked with *sētūmā*’ layout markers at the end of vv 9 and 13. The key words in this passage are the noun עבוט, “pledge,” which appears four times here and nowhere else in the Hebrew Bible, and the word חוץ, “outside.” These terms appear nested in a concentric structure:

A	“you shall not enter ... to take his pledge”	לא־תבא ... לעבט עבטו	<u>24:10b</u>
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B	“outside you shall stand”	בחוץ תעמד	<u>24:11a</u>
X	“the man ... shall bring to you the pledge”	יוציא אליך את־ העבוט	<u>24:11b</u>
B’	“outside”	החוצה	<u>24:11c</u>
A’	“you shall not sleep in his pledge”	לא תשכב בעבטו	<u>24:12b</u>
	“you shall surely return the pledge to him”	השב תשיב לו את־ העבוט	<u>24:13a</u>
	“that he may sleep in his garment”	ושכב בשלמתו	<u>24:13b</u>

The structure focuses on the moment when the man to whom the loan is made brings forth the pledge outside (v 11b). In the outer frame, the man who made the loan is instructed not to enter “his house” (v 10b) and not to sleep in his pledge, but to return it at sundown so that “he may sleep in his garment” (v 13). The inner frame focuses on the place where the man who made the loan is to stand, namely, “outside” (v 11a, c).

The concluding section of the above structure may in turn be outlined in concentric fashion to show further nesting of the key word “pledge” (עבוט):

A	“you shall not sleep in his pledge”	לא תשכב בעבטו	<u>24:12b</u>
B	“you shall surely return to him”	השב תשיב לו	<u>24:13a</u>
X	“the pledge”	את־העבוט	<u>24:13b</u>
B’	“when the sun goes down”	כבא השמש	<u>24:13c</u>
A’	“that he may sleep in his garment”	ושכב בשלמתו	<u>24:13d</u>

The center of this structure focuses attention on the “pledge” itself. The inner frame makes the command explicit: you shall surely return it to the man at sundown (v 13). In the outer frame we see that the man who made the loan is not to sleep in “his pledge” (v 12b) but to return it so that the other man may sleep in “his garment” (v 13d).

The law on taking and holding distrained property in 24:10–13 may be outlined as follows:

A	Do not enter your neighbor’s house to take his pledge	<u>24:10</u>
B	Outside you shall stand, and he shall bring it to you outside	<u>24:11</u>
X	If he is a “poor man,” you shall not sleep in his pledge	<u>24:12</u>
B’	You shall surely return the pledge when the sun goes down	<u>24:13a</u>
A’	It shall be counted righteousness for you before God	<u>24:13b</u>

In this reading, the focus of the law is the prohibition of sleeping in the pledge of a poor man (v 12). By refusing to enter a neighbor's house to take his pledge (v 10), the individual receives "righteousness" before God (v 13b). The inner frame contains the "midrashic kernel" that shaped the stories in both Gen 24 and Gen 15: the person is to stand outside the house of his neighbor (v 11). This statement is set over against the statement that, "You shall surely return the pledge to him when the sun goes down" (v 13a).

It is also possible to read v 11 as a concentric sentence, which moves from a man standing outside a house to the pledge brought to him there outside:

A	"Outside you shall stand"	בחוץ תעמד
B	"and the man"	והאיש
X	"to whom you make the loan"	אשר אתה נשה בו
B'	"he shall bring to you"	יוציא אליך
A'	"the pledge outside"	את־העבוט החוצה

In this circular sentence, in which the content is much the same as the larger whole (vv 10–13), the word חוץ, "outside," functions as an inclusion.

If the law prohibiting the theft of a fellow Israelite in 24:7 is the most transparent in terms of the relationship between an individual law in Deuteronomy and the narrative associated with it in Genesis (i.e., the sale of Joseph into slavery in Gen 37:26–28), the law on distrainted property in Deut 24:10–13 may be the most opaque, and Carmichael missed it in his study. It is also the most detailed in terms of its subsequent expansion in the story of Isaac obtaining Rebekah as his wife (Gen 24:1–67), and to a lesser degree the story of God's covenant with Abram in Gen 15:5–21. Almost every word in Deut 24:10–13 takes on fresh meaning within the narrative stories.

In the story of Gen 24, the "pledge" (עבוט) is Rebekah, who is obtained by an unnamed servant, described as "the oldest of *his house*" (ביתו, v 2; cf. Deut 24:10). When this man, who has been sent to obtain the "pledge" from the house of Laban, arrives at his destination, Rebekah asks, "Why do you stand outside?" (תעמד בחוץ, v 31; cf. Deut 24:11). In one sense it is Isaac, the servant's master, who is "standing outside" the land of Aram-naharaim waiting at "his house" in Canaan for his servant to return to him (cf. "he shall surely return to him," השב תשיב לו, in Deut 24:13) with the "pledge"—his bride-to-be. Isaac went out to meditate in the field "in the evening" (לפנות ערב) in Gen 24:63, shortly before "the going down of the sun" (כבא השמש) of Deut 24:13. And the words "that he may sleep in his garment" take on fresh meaning in relation to the following words of the Genesis narrative: "and [Isaac] took Rebekah and she became his wife" (Gen 24:67), which should be compared with the same expression in Deut 21:11; 22:13; 23:1; 24:1–5 (five times). Moreover, the words

“he shall bless you” (וּבֵרַכְךָ) in Deut 24:13 become וַיְבָרְכוּ, “and they blessed,” in Gen 24:60 to introduce the blessing pronounced by the men of Laban’s house on Rebekah: “Our sister, be the mother of thousands of ten thousands; and may your descendants possess the gate of those who hate them!”

At this point, the hearer is reminded of a similar blessing to Abraham in times past, for the very next phrase in the law, “it shall be counted as righteousness” (וְלֹךְ תִּהְיֶה) (צְדָקָה), takes us back to the narrative of God’s covenant with Abram in Gen 15, when God “brought him outside” (וַיּוֹצֵא אֹתוֹ הַחוּצָה) and said, “Look toward heaven and number the stars, if you are able.... So shall your descendants be” (Gen 15:5). And Abraham believed God, who “reckoned it to him as righteousness” (וַיַּחְשְׁבֶהָ לוֹ) (צְדָקָה, v 6). A few verses later: “As the sun was going down [וַיְהִי הַשֶּׁמֶשׁ לְבוֹא], a deep sleep [תִּרְדָּמָה] fell on Abram; and lo, a dread and great darkness fell upon him. Then the LORD said to Abram, ‘Know of a surety that your descendants will be ... oppressed for four hundred years.... As for yourself, you shall go to your fathers [אֲבֹתֶיךָ] in peace; you shall be buried in a good old age. And *they shall come back here in the fourth generation....*’ When the sun had gone down [וַיְהִי הַשֶּׁמֶשׁ בָּאָה] and it was dark ... on that day the LORD made a covenant with Abram” (Gen 15:12–18).

The statement “they shall come back here in the fourth generation” takes on new meaning in this reading, for that is what we have just now done in following the syllabus of the laws in Deuteronomy to read the narrative in Genesis. The four generations are: Abraham, Isaac, Jacob/Israel, and Jacob’s twelve sons (the tribes of Israel), with the focus narrowing to the persons of Joseph (Deut 24:7, 17–22; 25:1–3, 13–16) and Judah (25:4–12) in that fourth generation. The moment the sale of Joseph by his brothers is introduced in 24:7 (in the law prohibiting such a theft of a fellow Israelite) our attention is first directed to Miriam’s “leprosy” (24:8–9) in the era of the exodus from Egypt and the “present,” from the perspective of Deuteronomy. But the next law (24:10–13) takes us back three generations to Isaac’s quest for a wife in Gen 24:1–67, which then takes us back still further, one more generation, to the original story of Abram, who had already outlined all that was to follow in a brief prophecy, which concludes with the curious words that “they will come back here in the fourth generation” (וְדוֹר רְבִיעִי יָשׁוּבוּ הֵנָּה). And that is what we have done in this reading of Genesis through the lens of the laws of Deuteronomy.

The content of Gen 15:12–18, which is framed by repetition of words expanding the phrase כָּבַא הַשֶּׁמֶשׁ, “when the sun goes down,” of Deut 24:13, may be outlined as follows:

- | | |
|---|-----------------|
| A As the sun was going down, a deep sleep fell on Abram | <u>15:12</u> |
| B After 400 years of oppression your descendants will come out | <u>15:13–14</u> |
| X As for you, you shall go to your fathers (אֲבֹתֶיךָ) in peace | <u>15:15</u> |

B' And they shall come back here in the fourth generation 15:16

A' When the sun had gone down, YHWH made a covenant with Abram 15:17–18

The inner frame in this structure pairs the four hundred years of oppression in Egypt with the “coming back in the fourth generation,” in the form of poetic speech. In the center we find the key to unlock the puzzle of the repeated use of the word עֲבוֹט, “pledge,” in Deut 24:10–13. The word was chosen because of its similarity in sound to the word אָבוֹת as used in Gen 15:15. Here the reference is to the death of Abram, who would go to be with his *fathers* “in a good old age” (בְּשִׁיבָה טוֹבָה). Rebekah, who is the עֲבוֹט in the story of Gen 24, is also related to the אָבוֹת of Gen 15:15 in that she, like Sarah before her, is the “mother of the fathers,” as it were; for her two sons are Jacob, the father of the twelve tribes of Israel, and Esau, whose lineage includes the chiefs of Edom, one of whom will take center stage in another time and place within the biblical narrative—in the land of Uz, where Job lives to see “his sons, and his son’s sons, four generations.” Like his “brother” Abram, Job “died, an old man and full of days” (Job 42:16–17).

In Labuschagne’s “logotechnische analyse” of Deut 24:10–13, he found 17 words in secondary clauses and a total of 46 words. Though this could be interpreted as 2×23 (the numerical value of כְּבוֹד, “glory”), Labuschagne found deeper significance in the fact that the numerical value of the key word צְדָקָה in v 13 is also 46 ($= [צ = 18] + [ד = 4] + [ק = 19] + [ה = 5]$), and the numerical value of another key word, מִשְׁפָּט, “justice,” is 60. The reasons for these conclusions become clear when the evidence for the whole of 24:10–18 is examined:

Words:	before 'atnāḥ		after 'atnāḥ			
			ḥ			
<u>24:10–13</u>	21		+	25	=	46 (= צְדָקָה)
<u>24:10–18</u>	65		+	54	=	119 (= 7×17)
<u>24:14–15</u> , <u>17–18</u>	34 (= 2×17)	×	+	26	=	60 (= מִשְׁפָּט)
<u>24:14–15</u>	20		+	14	=	34 (= 2×17)
<u>24:14–16</u>	30		+	17	=	47
<u>24:17–18</u>	14		+	12	=	26
<u>24:18</u>	9		+	8	=	17

It is clear that the primary literary unit here is 24:10–18, which has a total of 119 ($= 7 \times 17$) words. Within this larger unit, the major subunits are vv 10–13, 14–15, and 17–18. The prohibition of transgenerational punishment in v 16 was treated somewhat differently by the ancient scribes, who connected it with vv 14–15 so as to have 17 words after 'atnāḥ in vv 14–16. The compositional formula $34 + 26 = 60$ represents the distribution of words between main clauses and subordinate clauses, as well as the

number of words before and after *'atnāh* in vv 14–15 + 17–18. In their numerical composition, the scribes of ancient Israel appear to be associating God, as signified by the divine-name numbers, with the concepts of צדקה, “righteousness,” and משפט, “justice.”

Comment

10 “When you make a loan [תשה] to your neighbor, a loan of any sort,” you are not permitted to “enter his house [בא אל־ביתו] to take his pledge [עבטו].” Mayes says the law here is influenced by its parallel in Exod 22:26–27, which also uses the expression רעך, “your neighbor,” instead of the expected word אח, “brother” ([1981] 325). The term used for making a loan is the verbal root נשה, “to lend, become a creditor.” The verb תשה was sometimes read as תשא, from the root נשא, which also means “to lend on interest.” The reason the creditor is not permitted to enter the debtor’s home to distraint property is usually interpreted to mean that “the debtor and his family would be humiliated by another man acting as master in the debtor’s domain, and the confrontation could lead to a fight” (Tigay [1996] 225). Reasoning along these lines, subsequent Jewish interpreters of the law determined that distraint by force of any kind was oppressive, such that distraint was permitted only with permission of the court. The same reasoning is reflected in the Laws of Hammurabi that penalized a creditor who distrains grain forcefully from a debtor, as Tigay has observed ([1996] 389 n. 42, citing Code of Hammurabi §113). A different interpretation of the law emerges in light of the use of the unusual word העבוט, “the pledge,” from the root עבט, “to take or give a pledge.” The term עבוט used as a noun appears four times in vv 10–13 and nowhere else in the Hebrew Bible. Its use as a verb is limited to four occurrences as well, all in Deuteronomy: 15:6 (twice); 15:8; and here in 24:10 (in Joel 2:7 the root עבט appears with an altogether different meaning). Moreover, the synonym חבל appears in vv 6 and 17, which has led Milgrom (*Cult and Conscience*, 102–4) and others (Tigay, *Empirical Models*, 168) to argue that we have evidence here for conflation. It is more likely that a new word is introduced because of the play on sounds the author wishes to convey (see discussion above in *Form/Structure/Setting*).

11 The phrase בחוץ תעמד, “outside you shall stand,” appears in reverse order in Gen 24:31 (תעמד בחוץ), and nowhere else in the Hebrew Bible (the phrase בחוץ לעמוד in Ezra 10:13 being the only other time the two lexical items appear together). The instruction to bring the pledge outside to the man who is receiving that pledge takes on deeper meaning in the story of Rebekah becoming the wife of Isaac in Gen 24.

12 The phrase **אִישׁ עֲנִי**, which I render here as “he is a poor man,” could also be interpreted as “a man of the poor [**עֲנִי**, or perhaps **עֲנֹו**],” where, in a metaphorical sense, the second term refers to “Israel” itself as the poor, afflicted, or pious one (as it frequently does in the Psalms and elsewhere; cf. Pss 10:17; 22:27 [Eng. 26]; 25:9 [twice]; 34:3 [Eng. 2]; 37:11; 69:33 [Eng. 32]; etc.). In a Hebrew letter from the seventh century B.C.E. found at Yavneh-Yam a man asks for the return of a garment that was wrongfully seized (cited by Craigie [1976] 308 n. 15; see ANET, 568; and Tigay, *FS N. Sarna*, 328–33). The words “sleep in his garment [pledge]” (**שָׁכַב בְּעֵבֶט**) take on a deeper meaning when “the pledge” (**הָעֵבֶט**) becomes Rebekah, who is taken to the man “standing outside” (first to Isaac’s unnamed servant in Aram-naharaim, and then to Isaac himself).

13 The statement “you shall surely return the pledge to him when the sun goes down” takes on concrete meaning as one reads: “And Isaac went out to meditate in the field *in the evening*; and he lifted up his eyes and looked, and behold, there were camels coming. And Rebekah lifted up her eyes, and when she saw Isaac, she alighted from the camel” (Gen 24:63–64). Moreover, the words **וְשָׁכַב בְּשִׁלְמָתוֹ**, “he shall sleep in his garment,” also take on new meaning in light of what we have already learned from other laws: that a man’s wife is his garment. As the law in Deut 23:1 clearly states, for a son to lie with his father’s wife (or concubine) means figuratively that he has removed his father’s covering and put it on himself. The statement “and he shall bless you” (**וּבֵרַכְךָ**) evokes a comparison with the blessing (**וַיְבָרְכֵהוּ**) that Rebekah received when she departed from her brother Laban’s house: “Our sister, be the mother of thousands of ten thousands; and may your descendants possess the gate of those who hate them!” (Gen 24:60). It would appear that the new term **עֵבֶט**, “pledge,” was chosen so that, in the telling of the story, the people would also hear the word **אֲבוֹת**, “fathers”; for Rebekah, like Sarah before her, is indeed the mother of the fathers in ancient Israel, through both of her twin sons, Jacob/Israel and Esau/Edom. The law concludes: **וּלְךָ תִּהְיֶה צְדָקָה**, “it shall be counted as righteousness for you,” which carries the reader’s attention back to the story of God’s covenant with Abram in Gen 15 (see the discussion under *Form/Structure/Setting*, and cf. also the use of **צְדָקָה** in Deut 6:25 [**וְצְדָקָה לָנוּ** תִּהְיֶה לָנוּ] and 9:4–6[three times, and the reference there to Abraham, Isaac, and Jacob]).

Explanation

The older version of the law on taking and holding distrainted property in Exod 22:25–27 makes no mention of not entering the house of the debtor to take what he has pledged in security. If the debtor is poor, the article pledged (usually an item of clothing) must be returned that same day, before sundown, “for that is his only covering, it is his mantle for his body; in what else shall he sleep?” (Exod 22:26). Deuteronomy adds an injunction that prohibits the creditor from entering the debtor’s

home to remove the pledge. As shown in the discussion above, this addition plays a substantive role in shaping the narrative stories in Gen 24 and 15, which reflect the wording of this law.

As Matthew Henry put it long ago, the law in Deuteronomy forbids the taking of anything for a pledge “by want of which a man was in danger of being undone. Consonant to this is the ancient common law of England, which provides, That no man can be distrained of the utensils or instruments of his trade or profession, as the axe of a carpenter, or the books of a scholar, or beasts belonging to the plough, as long as there are other beasts, of which distress may be made” (*Exposition of the Old and New Testament* [1828] 668).

The law concludes with the remark that the debtor “shall bless you, and it shall be counted for righteousness for you before YHWH your God” (v13), when you refrain from withholding distrained property. Even within the covenant community, where God’s blessing is bestowed, there will still be those who are disadvantaged and poor. It is our responsibility, under God, to alleviate their hardship.

7. Mistreatment of a Hired Servant—Timely Payment of Wages Due (24:14–15)

Bibliography

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Translation and Prosodic Analysis

Mistreatment of a Hired Servant—Timely Payment of Wages Due [(4:4):(4:4)]

¹⁴ You shall not withhold the wage / of a poor and needy one //	16	2
among your brothers / or among your sojourners /	13	2_
Whoever is in your land / in your towns //	12	2
¹⁵ on the same day you shall give him his wages /	13	1
before the sun goes down /	<u>14</u>	1_
For he is \ poor /	8	1
and upon it / he lifts / his life breath //	15	3_
That he not call out against you / to YHWH /	14	2

Notes

14.a. Reading שְׂכָר as the constr. with Craigie ([1976] 309 n. 16). Some Heb. MSS, including DSS (1Q5, frg. 8, in DJD 1:58), read שכר, “wages,” for MT שכיר, “laborer” or “hireling.” The revocalization improves the balance in mora count.

14.b. Reading שְׂכָר pl. with SPMss, LXX, and Tg. Ps.-J. as *lectio difficilior* (cf. Notes 24:4.c and 24:7.c).

14.c-c. Omitted in two Heb. MSS, LXX, and Syr.

14.d. Cairo Geniza fragments read שְׂכָר sg.

15.a. Reading *pašta* followed by *zāqēp parvum* as conj.

Form/Structure/Setting

The first of three laws on protecting the poor and vulnerable in 24:14–22 deals with the matter of mistreating a hired servant by not paying wages due in a timely manner (24:14–15). The place and function of this law within the larger structure of 24:5–25:19 (the third major subsection within the sixth of the eleven weekly portions of Torah readings in Deuteronomy) as a whole may be outlined in a menorah pattern:

A Deferral of a new husband from military service	<u>24:5</u>
B Four laws on distrained property, kidnapping, and “leprosy”	<u>24:6–13</u>
C Mistreating a hired servant—timely payment of wages	<u>24:14–15</u>
X Transgenerational punishment on fathers and sons	<u>24:16</u>
C’ Protecting the sojourner, orphan, and widow	<u>24:17–22</u>
B’ Five laws on humanitarian and social issues	<u>25:1–16</u>
A’ Remembering Amalekite aggression	<u>25:17–19</u>

This structure should be compared with the one presented above in the introduction to the section on the laws of 24:6–25:16, in which specific interest was focused on the first of four laws on humanitarian and social issues in 24:6–13, with the law on levirate marriage (25:5–10) in the center of a menorah pattern. The outer frame remains the same, as we move from one law on matters of Holy War, in which a new husband is deferred from military service (24:5), to another law on YHWH’s Holy War (25:17–19). The series of twelve laws on matters of social ethics within this frame are arranged in a symmetrical pattern, with three laws dealing with the protection of the poor and vulnerable in the center (24:14–22). It should be noted in passing that the symmetry between sections B and B’ in this outline is greater than appears at first glance; for the laws on limits to flogging (25:1–3) and not muzzling an ox (25:4) are combined in a single literary unit, which is set over against three laws dealing with sexual matters or with sexual allusions (25:5–16), including the law on honest weights and measures, as we will see. In sections B and B’, the four literary subunits are arranged in simple

chiasms, which also display the familiar three-plus-one structuring pattern, though in a somewhat surprising manner (see the detailed discussion of these laws below). The relation between these laws may be outlined as follows:

A Taking a millstone as pledge (distrained property)	<u>24:6</u>
B Theft of a fellow Israelite (kidnapping)	<u>24:7</u>
B Dealing with “leprosy”	<u>24:8–9</u>
A’ Taking and holding distrained property	<u>24:10–13</u>
A Humanitarian concern for human beings and draft animals	<u>25:1–4</u>
B Levirate marriage	<u>25:5–10</u>
B An immodest lady wrestler (assisting her husband in a fight)	<u>25:11–12</u>
A’ Honest weights and measures	<u>25:13–16</u>

In the first of these structures (24:6–13), we find a pair of laws on taking and holding distrained property (v 6 and vv 10–13) functioning as a frame around a pair of laws on kidnapping (v 7) and “leprosy” (vv 8–9). It is the law on “leprosy” that stands apart as separate from the other three, which have to do with similar humanitarian concerns: taking or “stealing a person [life]” (v 7) from among those who are one’s brothers (v 7) or neighbors (v 10). The second of these structures (25:1–16) displays a similar pattern; most translators and commentators miss the double entendre of 25:13. See the detailed discussion of these laws below.

The innermost frame in the concentric structural design of 24:5–25:19 moves from a law protecting the hired servant from mistreatment (24:14–15) to a more general law on the protection of the sojourner, orphan, and widow (24:17–22). It should be noted that the term **גֵּר**, “sojourner,” appears in both of these laws (vv 14 and 17). Once again it is easy to see the familiar three-plus-one patterning of Jungian psychology in the trio of sojourner, orphan, and widow (vv 17–22) set over against the law of the hired servant (vv 14–15), who is designated “a laborer who is poor and needy among your brothers or among your sojourners” (v 14).

Both boundaries of the law in 24:14–15 are marked with the *Numeruswechsel* as well as *sētūmā*’ layout markers. The law in between (vv 10–13) is thus singled out as the center of another structural unit, perhaps as follows:

A	Taking a millstone as pledge	(Isaac and Ishmael)	<u>24:5–6</u>
B	Theft of a fellow Israelite	(Joseph enslaved in Egypt)	<u>24:7</u>
C	Dealing with “leprosy”	(Miriam vs. Moses)	<u>24:8–9</u>
X	Law on distrained property	(Isaac/Rebekah and Abraham)	<u>24:10–13</u>
C’	Mistreating a hired servant	(Jacob vs. Laban)	<u>24:14–15</u>
B’	Transgenerational punishment	(Israel and the Hivites)	<u>24:16</u>

A' On the widow, orphan, and alien (Joseph and his brothers) 24:17–
22

In this reading the story of the conflict between Jacob and Laban (as shaped by the law on the mistreatment of a hired servant in 24:14–15) is to be read over against the story of conflict between Moses and his sister Miriam (and his brother Aaron as well) in 24:8–9.

The structure of the law in 24:14–15 may be outlined as follows:

A	You shall not oppress a laborer who is poor and needy	<u>24:14a</u>
B	among your brothers or sojourners in your town	<u>24:14b</u>
X	Pay his wages on the same day, before the sun goes down	<u>24:15a</u>
B'	for he is poor and depends on it	<u>24:15b</u>
A'	Lest he cry out against you to YHWH and it be sin in you	<u>24:15c</u>

In the center is the law requiring the timely payment of wages due “before the sun goes down” (v 15a). The outer frame puts that law in a more general context by adding a motive clause: you shall not oppress a laborer who is poor and needy, lest he cry out against you to YHWH and it be sin in you (vv14a, 15c). In the inner frame we see that the law applies to anyone who is poor and dependent on wages that are timely paid (v 15b), whether that person is an Israelite brother or a sojourner in your towns (v 14b).

When Carmichael read the law on timely payment of wages (24:14–15) in relation to the narrative in Genesis (*LNB*, 268–70), he found himself once again dealing with the stories of Jacob and Laban (see the law of the fugitive slave in 23:15–16)—and in the story of Jacob’s flight from Haran in particular (Gen 31:4–7; 40–42). “All the concerns that are mentioned in the law about mistreating a hired servant—he is poor and needy, he may be a brother Israelite or a sojourner, his hire should be given him on the day he earns it—show up in Laban’s treatment of Jacob” (Carmichael, *LNB*, 269).

In the words of Deut 24:14–15, Laban oppressed his servant after seven years by not paying the wages he had promised, namely Rachel. Though Jacob later received Rachel as well, Jacob still complained to Laban: “These twenty years I have been in your house; I served you fourteen years for your two daughters, and six years for your flock, and you have changed my wages ten times. If the God of my father, the God of Abraham and the Fear of Isaac, had not been on my side, surely now you would have sent me away empty-handed” (Gen 31:41–42). The law makes reference to the downtrodden servant crying out against his employer to God, who intervenes in his behalf. In short, the story of Jacob and Laban is an expansion of the law in Deut 24:14–15, almost phrase by phrase.

In his “logotechnische analyse” of the law in Deut 24:14–15, Labuschagne found the 34 (= 2 × 17) words in these two verses distributed before and after *'atnāḥ* and between main clauses and subordinate clauses to be identical (20 + 14). On the relationship of these two verses to their larger context in 24:10–18, see the discussion in the previous section on 24:10–13.

Comment

14 “You shall not oppress [תעשק] a laborer.” The term עשק refers to cheating someone out of their belongings. On a “laborer” (שכיר) cf. Matt 20:1–16, the parable

of Jesus and the hiring of such laborers at different times in the same day for the same wage.

15 The words rendered “upon it he lifts his life breath” mean “he is counting on it” (Tigay [1996] 227). Though the worker may be unable to force his employer to pay him on time, he can “call out against you to YHWH,” who will intervene (cf. Exod 22:21–23; Deut 15:9). “Some of the prayers of Jeremiah, and a number of Psalms, are cries against mistreatment” (Tigay [1996] 227; on 390 n. 52 he refers to Jer 11:20; 20:12; Ps 109; and B. Porten, Archives from Elephantine [Berkeley: Univ. of California Press, 1968] 157–58, 315–16). On the matter of incurring guilt, i.e., “and it becomes in you a sin,” see also 23:22 above.

Explanation

The employer-employee relationship is addressed in the law on mistreatment of a hired servant (24:14–15), which law focuses its interest primarily on the matter of timely payment of wages due. For Craigie, “the use of this legislation in the *NT* (Jas. 5:4) makes clear that it protects not only the poor, but also the rich; the rich men, fulfilling their obligations to their poor laborers, maintain the integrity of the community. But failure to deal honestly in transactions of this sort brings severe condemnation (Jas. 5:1–6)” ([1976] 309).

The parable of Jesus on the laborers in the vineyard (Matt 20:1–16) picks up on these words in the statement that “when evening came” (Matt 20:8) the owner of the vineyard paid them their wages. In this particular instance, however, the wages received were the same for each person regardless of how many hours they had worked. Thus the question of just payment for their labor was raised by the ones who had worked longest and were the last to be paid, for they expected to receive more than the others, who had not “borne the burden of the day and the scorching heat” as they had (Matt 20:12). The owner’s response was forthright: “I am doing you no wrong; did you not agree with me for a denarius [the usual daily wage]?” (Matt 20:13). So long as the employer pays what is due to those he has employed, he remains free to do what he chooses with what belongs to him (Matt 20:15). Jesus concludes his parable with a riddle: “So the last will be first, and the first last” (Matt 20:16).

There is an important spiritual lesson here. With God as the “owner of the vineyard,” we have an “employer” who is both just and merciful. We do well to pattern our own lives accordingly; for the deepest and most satisfying experiences in life are not found through self-centered acquisition of wealth and power achieved through exploitation of others, or even by the exercise of “justice” alone to those under us. Charles Dickens saw this principle with remarkable clarity in the portrayal of Ebenezer Scrooge in his classic work, *A Christmas Carol*, as did Frank Capra in his timeless film, *It’s a Wonderful Life*.

8. Transgenerational Punishment Forbidden ***(24:16)***

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Translation and Prosodic Analysis

Transgenerational Punishment Forbidden [3:3]

¹⁶ <i>Fathers shall not be put to death / for children /</i>	17	2
<i>and as for the children /</i>	6	1
<i>They shall not be put to death for fathers //</i>	12	1
<i>each one for his own sin / shall be put to death // ם</i>	<u>10</u>	2_

Notes

16.a-a. SP, LXX, Syr., and Tg. read יָמוּתוּ, “they will die”; two Heb. MSS read (ו)מָתוּ, “they will die,” for MT יוּמָתוּ, “they shall be put to death.”

16.b-b. Same as previous note with an additional Heb. MS reading יָמָתוּ, “they shall die.”

16.c-c. One Heb. MS and SP read יוּמָת, “he will be put to death”; another Heb MS, DSS, LXX, Syr., and Vg. read יָמוּת, “he will die.”

Form/Structure/Setting

Like a number of other laws in the sixth of the eleven weekly portions of Torah readings from Deuteronomy (21:10–25:19), the brief law prohibiting transgenerational punishment in 24:16 functions in more than one role from a structural point of view. In one reading, it is the center of the collection of laws on matters of social ethics in 24:5–25:19, for it stands between the two laws on protecting the poor and the vulnerable (24:14–15 and 24:17–22) in the center of the menorah pattern discussed in the previous section of this commentary. At the same time, however, it completes a major subsection in a group of five laws on humanitarian issues within the larger architectural design of Deut 24–25 as a whole, which may be outlined as follows:

A	Two laws on marriage and war	<u>24:1–5</u>
B	Laws on humanitarian concerns and social ethics	<u>24:6–16</u>
	a Taking a millstone in pledge and kidnapping	<u>24:6–7</u>
	b Dealing with “leprosy”	<u>24:8–9</u>
	x Taking and holding distrained property	<u>24:10–13</u>
	b’ Mistreating a hired servant—timely payment of wages	<u>24:14–15</u>
	a’ Transgenerational punishment forbidden	<u>24:16</u>
X	Law protecting the sojourner, orphan, and widow	<u>24:17–22</u>
B’	Laws on humanitarian concerns and social ethics	<u>25:1–16</u>
	a Limits on flogging	<u>25:1–3</u>
	b Not muzzling the ox	<u>25:4</u>
	x Levirate marriage	<u>25:5–10</u>
	b’ Wife’s immodest intervention in a fight	<u>25:11–12</u>
	a’ Honest weights and measures	<u>25:13–16</u>
A’	Remembering Amalekite aggression (YHWH’s Holy War)	<u>25:17–19</u>

The framework of this structure (A, X, A’) is made up of three laws on marriage and war (24:1–5 and 25:17–19), which are set over against the summary law on protecting the sojourner, orphan, and widow (24:17–22) in the center. The outer frame in this structure moves from a law on forbidden marriage in 24:1–4 (corresponding with the seventh commandment on adultery) and a law on both war and marriage in 24:5 (sixth and seventh commandments) to a law on YHWH’s Holy War in 25:17–19 (sixth commandment on murder/war, with overtones on matters of worship in the first, second, and third commandments in terms of YHWH’s Holy War as celebrated event in ancient Israel; see *Excursus: “Holy War as Celebrated Event in Ancient Israel”*). The inner frame is made up of two parallel five-part concentric substructures with laws on matters of social ethics and humanitarian concerns dealing primarily with the eighth, ninth, and tenth commandments (on stealing, bearing false witness, and coveting what belongs to one’s neighbor). The laws on taking and holding distrained property (24:10–13) and the levirate marriage (25:5–10) appear in the center of the two concentric subsections; this structure directs attention once again to commandments seven through ten of the Decalogue.

Once again, the brief law itself in 24:16 is circular in its structural design—in the form of a circular sentence—with the term **יומתו**, “they shall be put to death,” appearing at the beginning, middle, and end.

A	“Fathers shall not be put to death”	לא־יומתו אבות
B	“for (their) children”	על־בנים
X	“and children shall not be put to death”	ובנים לא־יומתו
B’	“for (their) fathers”	על־אבות

A' "each one for his own sin shall be put to death" אִישׁ בַּחטָּאוֹ יוֹמְתוֹ

Three of the nine lexical items in this sentence are the word יוֹמְתוֹ, which appears in both parts of the outer frame and in the center of this structure. The inner frame has the pairing of אֲבוֹת, "fathers," and בְּנִים, "children" in the context of judicial procedure in regard to capital punishment. This simple structure has profound ramifications for theological reflection within the context of the narrative in Genesis and beyond.

Though the narrative of the rape of Dinah (Gen 34) was shaped in part by both the law of illicit mixtures on plowing with an ox and an ass together (22:10) and the law on the rape of an unengaged virgin (22:28–29), its literary structure is shaped by the law of transgenerational punishment in 24:16 as well. "It is this story ... that provides an instance (the only one in biblical literature) of a father's being put to death because of his son's misdeed, namely, Shechem's seduction of Dinah" (Carmichael, *LNB*, 271–72). In the story both the father (Hamor) and the son (Shechem) died. It should be noted that Jacob complains that his own life (as father) was endangered by the sin of his sons (Gen 34:30).

The shaping of the narrative of Gen 34 in terms of the law in Deut 24:16 is evident from the analysis of its content, which may be outlined as follows:

A Shechem (son of Hamor) seduced Dinah (daughter of Israel)	<u>Gen 34:1–4</u>
B Jacob's response: he held his peace until his sons came	<u>Gen 34:5</u>
C Hamor (father of Shechem) negotiates with Jacob	<u>Gen 34:6–12</u>
X Jacob's sons plot revenge—death of father and son	<u>Gen 34:13–25</u>
C' Hamor and his son Shechem are slain by Simeon and Levi	<u>Gen 34:26–29</u>
B' Jacob's response: "I shall be destroyed, both I and my household"	<u>Gen 34:30</u>
A' The sons' response: "Should he treat our sister as a harlot?"	<u>Gen 34:31</u>

The center of this structure (34:6–29) corresponds with the law of Deut 24:16 and the issue of transgenerational punishment. The outermost frame sets the sin of Shechem (son of Hamor) in Gen 34:1–4 over against the angry response of Dinah's brothers, who are incensed with what Shechem has done (34:31). The second frame presents the plight of the father Jacob/Israel, whose life is jeopardized by the rash immoral action of his sons (vv 5, 30). In the innermost frame Hamor negotiates with Jacob (vv 6–12), but dies because of the sin of his son Shechem (vv 26–29). It would appear, according to this story, that fathers are put to death for the sins of their children.

Comment

16 The word יוֹמְתוֹ, "they shall (not) be put to death," appears three times in this verse and elsewhere only in reference to human execution, rather than divine punishment. The law is quoted in 2 Kgs 14:6 to explain Amaziah's conduct when he became king of Israel. For parallels in ancient Near Eastern law, where members of a man's family were considered extensions of his personal property rather than individuals as such, see Code of Hammurabi §§116, 209–10, 230; Middle Assyrian Laws §§50, 55; Hittite Instructions, ANET, 207–8 (see Tigay [1996] 390 n. 55). See

also Exod 21:31, in the law of the goring ox, which does not include the provision that the owner's child is to be punished if the victim is a child, as might be the case elsewhere in the ancient Near East where such *lex talionis* was carried out—that is, a person being punished by the same harm done to a member of his own family, often the corresponding member. On the proverbial maxim “The fathers have eaten sour grapes and the children's teeth are set on edge,” see Jer 31:29–30 and Ezek 18:2. Mayes ([1979] 326) has called attention to “a catchword connection with the previous verse” in the use of the word בְּחַטָּאתוֹ, “for his own sin,” which corresponds with the word חַטָּאת, “sin,” there. Craigie called attention to an interesting parallel in Middle Assyrian Law (ANET, 180, A §2) where “a woman convicted of blasphemy was to bear the penalty of her crime, but her husband and children were not to be punished” ([1976] 310 n. 17). Craigie also noted that the law here must be held in balance with that of 5:9, where “the iniquity of the fathers is visited on their children to the third and fourth generations,” for a father's criminal act inevitably affects the lives of his children. On the one hand, a person is criminally responsible under the law for his or her own behavior. On the other hand, a criminal act carries with it consequences that affect the children of that guilty person.

Explanation

The law prohibiting transgenerational punishment in 24:16 stands out in even a cursory reading of the text of Deut 24–25 because it alone addresses the issue of capital punishment. Though some have argued that a law such as this is superfluous in modern society, we do well to recall the ballad of “The Martins and the Coys” in our own folk tradition, and other similar portrayals of vengeance in the name of the family in which children die for the sins of their parents and vice versa.

The law was apparently overridden in ancient Israel in matters of Holy War, for Achan's entire family was executed, including “his sons and daughters” (Josh 7:24), for the sin of the father in violating the ban on taking booty during the destruction of Jericho (see Josh 7:6–26). The law was violated in other contexts as well throughout the history of ancient Israel. King David surrendered seven sons (including grandsons) of Saul to be executed by the Gibeonites for the sin of Saul (2 Sam 21:1–9); and King Baasha slew “all the house of Jeroboam” when he usurped the throne of the Northern Kingdom (1 Kgs 15:29–30), with Zimri after him doing the same to the house of Baasha (1 Kgs 16:11–13), and Jehu after him to the sons of Ahab (2 Kgs 10:6–7). It should be noted, however, that King Amaziah spared the children of his father's murderers on the basis of the law here in Deuteronomy, which is cited: it “is written in the book of the law of Moses ... ‘fathers shall not be put to death for the children, or the children be put to death for the fathers, but every man shall die for his own sin’ ” (2 Kgs 14:6).

A deeper theological issue emerges as we reflect on the meaning of atonement for sin. Some have suggested that when David surrendered the “seven of [Saul's] sons” (2 Sam 21:6) to the Gibeonites to be executed for the sin of Saul, “they died rather as sacrifices than as malefactors” (M. Henry, *Exposition of the Old and New Testament* [1828] 669). Be that as it may, it is clear that the doctrine of the “original sin” of Adam and the atoning death of Jesus Christ as the “second Adam” (Rom 5:14; 1 Cor 15:22, 45) is understood in Christian theology in terms of a reversal of the law as stated here—the transgenerational guilt of “original sin” is countered with transgenerational blessing. The children of Adam do suffer for the sin of their father;

and the atoning death of Jesus, as the incarnation of God the Father, applies to all of God's," for all time and eternity.

9–10. Taking a Widow's Garment in Pledge and Gleanings for the Poor (24:17–22)

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Translation and Prosodic Analysis

Taking a Widow's Garment in Pledge [8:7]

17	<i>You shall not pervert / justice / to the alien or the orphan //</i>	13	3
	<i>and you shall not take in pledge / a widow's / garment //</i>	14	3
18	<i>and you shall remember / that you were a slave \ in Egypt /</i>	19	2_
	<i>And YHWH your God / redeemed you \ from there //</i>	17	2
	<i>therefore / I command you / to do / this / thing //</i> ם	<u>25</u>	5_

Gleanings for the Poor [7:4:7] [7:8]

19	<i>When you reap your harvest in your field /</i>	15	1
	<i>and you overlook a sheaf in the field /</i>	13	1
	<i>You shall not return / to take it /</i>	10	2
	<i>to the alien / to the orphan and widow / it shall go //</i>	18	3_
	<i>In order that YHWH your God / may bless you /</i>	17	2
	<i>in all / the work of your hands //</i>	<u>12</u>	2_
20	<i>When you beat / your olive tree /</i>	8	2
	<i>you shall not gather again / after you //</i>	11	2
	<i>to the alien / to the orphan and widow / it shall go //</i> ם	<u>18</u>	3_
21	<i>When you gather / from your vines /</i>	8	2
	<i>you shall not glean / after you //</i>	12	2
	<i>to the alien / to the orphan and widow / it shall go //</i>	<u>18</u>	3_
22	<i>And you shall remember /</i>	6	1
	<i>that you were a slave / in the land of Egypt //</i>	17	2
	<i>therefore / I command you / to do / this / thing //</i> ם	<u>25</u>	5_

Notes

17.a. Three Heb. MSS, LXX^{MS}, Syr., Tg. MSS, Tg. Ps.-J., and Vg. add *waw*-conj.; LXX adds καὶ χήρας, “and widow.”

18.a. Reading *paštā'* followed by *zāqēp qātôn* as conj.

18.b. Some Heb. MSS, LXX^{MS}, and Tg. Ps.-J. read בארץ מצרים, “in the land of Egypt,” for MT במצרים, “in Egypt.” Prosodic analysis favors MT.

18.c. Reading *tiphā'* as conj. because of misplaced 'atnāh.

18.d-d. Omitted in one Heb. MS and SP. Prosodic analysis favors MT.

19.a. LXX adds τῶ πτωχῶ καί (= לְאֲבִיּוֹן וְ), “to the poor and.” Prosodic analysis favors MT.

19.b. Two Heb. MSS, LXX, Syr., and Vg. add *waw*-conj.

19.c. One Heb. MS and LXX omit *waw*-conj.

19.d. Many Heb. MSS read יָדְךָ, “your hand,” for MT יָדֶיךָ, “your hands.” Although *BHS* has a space after this word, L does not.

20.a. LXX adds τῶ πτωχῶ καί (= לְאֲבִיּוֹן וְ), “to the poor and.”

20.b. A few Heb. MSS, LXX, Syr., and Vg.MSS add *waw*-conj.

20.c. One Heb. MS omits *waw*-conj.

21.a. LXX adds τῶ πτωχῶ καί (= לְאֲבִיּוֹן וְ), “to the poor and.”

21.b. LXX^{MS} and Syr. add *waw*-conj.

Form/Structure/Setting

The law here is in two parts, which serve as a frame around one more instance of a law on distraining property: “you shall not take in pledge a widow’s garment” (24:17b). The function of this clause appears to be that of forming a menorah pattern around the structural theme of distraint:

A Taking a millstone in pledge	<u>24:6</u>
B Theft of a fellow Israelite (kidnapping)	<u>24:7</u>
C Dealing with “leprosy”	<u>24:8–9</u>
X Taking and holding distrained property	<u>24:10–13</u>
C’ Mistreating a hired servant—timely payment of wages	<u>24:14–15</u>
B’ Transgenerational punishment forbidden	<u>24:16</u>
A’ Taking a widow’s garment in pledge	<u>24:17–18</u>

Within a framework on the subject of distraint (A, X, A’), four laws on humanitarian concerns and social ethics are arranged in two pairs. The relationship between these four laws is easily seen in the narratives shaped by them. The outer pair concerns conflict within the members of a given family: the theft of Joseph, who was sold into slavery by his brothers (Gen 37; cf. Deut 24:7), which is set over against the conflict between two of Joseph’s brothers (Simeon and Levi) and the Hivite King Hamor and his son Shechem (Gen 34; cf. Deut 24:16). The inner pair moves from the problem of “leprosy” in the conflict between Moses and his sister Miriam in the wilderness (Num 12; cf. Deut 24:8–9), and the conflict between Jacob and Laban in Mesopotamia (Gen 31; cf. Deut 24:14–15).

Though Tigay ([1996] 228–29) divides vv 17–22 into two laws, prosodic analysis supports Craigie ([1976] 310) and others who see a single literary unit here. That unit is divided into three parts with *šētūmā*’ layout markers after vv 18, 20,

and 22. *BHS* incorrectly divides the section into four parts, with spaces following vv 18, 19, 20, and 22. What appears as *sētūmā*' layout markers in *BHS* are actually blank spaces in L, and there is no space whatsoever left between vv 19 and 20 in that manuscript. The reason for difficulties in determining the subsections in vv 17–22 is that the prosodic structure of vv 19–20 is somewhat anomalous, with all of v 19b (“In order that YHWH your God may bless you in all the work of your hands”) functioning as a rhythmic bridge in a 7:4:7 unit in terms of accentual stress units. This central unit is also precisely in the center of the larger literary structure that extends from 24:5 through 25:19.

The concentric structural design of 24:17–22 as a whole may be outlined as follows:

A Do not pervert justice to the alien, orphan, and widow ...	<u>24:17–18</u>
B Leave some of your grain for the alien, orphan, and widow	<u>24:19a</u>
X So that YHWH may bless you in all you do	<u>24:19b</u>
B Leave some of your olives for the alien, orphan, and widow	<u>24:20</u>
A' Leave some of your grapes for the alien, orphan, and widow ...	<u>24:21–22</u>

There is a great deal of repetition in these verses. Both sections of both the inner and outer frames make specific reference to the alien, the orphan, and the widow (vv 17, 19, 20, 22). Moreover, the statement “and you shall remember that you were a slave in Egypt ... therefore I command you to do this thing” appears in both parts of the inner frame (vv 18, 22). The source of God’s blessing is clear in this structure. It comes from protecting the aliens, orphans, and widows in our midst. As Jesus once put it, the second greatest commandment is this: “Love your neighbor as yourself” (Matt 22:39). That is the substance of the law, especially in Deut 24:6–25:16.

Carmichael has noted a number of connections between the law as expressed here and the story of Joseph, the most obvious being the repeated statement to “remember that you were a slave in Egypt” (vv 18, 22). “A blatant example of a perversion of justice was Joseph’s imprisonment for an offense he never committed, namely, lying with Potiphar’s wife. Joseph, moreover, was at this time a slave in Egypt (Potiphar’s wife refers to him as the ‘Hebrew servant’ [Gen 39:17])” (*LNB*, 280). Joseph is also comparable to the sojourner in the law. Though the topic of the widow’s garment taken in pledge has fewer clear parallels in the Joseph narrative, it should be noted that his garment was the key piece of evidence for the injustice done to him in the incident with Potiphar’s wife. Moreover, the Hebrew word בגד, “garment,” appears in both Gen 39:12 and Deut 24:17. The connection between the widow’s garment taken in pledge in the law and the narrative tradition in Genesis is much easier to see in the story of Tamar’s seduction of Judah in Gen 38. “Judah in effect forced her to put away her widow’s garment in order to obtain what should have already been given to her, namely, seed that she would then return to him in the form of a child to continue the family line” (Carmichael, *LNB*, 281).

The law of the forgotten sheaf (Deut 24:19) differs markedly from its counterparts in Lev 19:9 and 23:22, which indicate that specific parts of the field are to be left unharvested for the poor: “When you reap the harvest of your land, you shall not reap your field to its very border, neither shall you gather the gleanings after your harvest.”

This rule is much more systematic than that in Deut 24:19 concerning a sheaf that is “overlooked” or “forgotten” (ושכחת).

Carmichael makes a strong case for relating the laws of 24:17–25:3 with the story of Joseph in Gen 37–47 (*LNB*, 278–91). He notes that the sheaf plays a central role in the Joseph story, as does an emphasis on remembering (Gen 40:14, 23; 41:9). The verb זכר, “remember,” occurs twice in the law, both times in the statement, “You shall remember that you were a slave in Egypt” (vv 18, 22). And the sheaf of v 19 is described with the verb שכח, “forget.” The emphasis on grain for the needy shapes the story of Joseph’s rule in Egypt. “As overseer of the harvest Joseph saved everyone from starvation. His high position—in figurative terms he is the dominant sheaf—and the supply to needy people of sheaves of grain (in the literal sense) are intimately linked” (Carmichael, *LNB*, 286).

The evidence assembled by Labuschagne on the use of the divine-name numbers in 24:17–22 may be summarized as follows:

Words:	before 'atnāḥ		after 'atnā ḥ		
<u>24:17–18</u>	14	+	12	=	26
<u>24:19–22</u>	32	+	23	=	55
<u>24:18</u>	9	+	8	=	17
<u>24:19–21</u>	26	+	15	=	41

The law on protecting the sojourner, orphan, and widow in vv 17–18 has a total of 26 words, and the law on gleanings for the poor in vv 19–22 is an example of what Schedl called the “minor tetraktys” 32 + 23 = 55 (see *Excursus: “Deuteronomy as a Numerical Composition”*). The two parts in this construction, 23 and 32, are the alternate numerical values of Hebrew כבוד, “glory,” with כ counted as either 11 or 20.

Comment

17–18 For a parallel law in the Pentateuch, see Exod 22:21–24. To “pervert justice” (תטה משפט) is to judge unfairly in legal matters (see 16:19). *Tg. Pseudo-Jonathan* and ancient rabbinic sources suggest that the reason the widow is shown greater solicitude than aliens and orphans has to do with the fact that holding her garment during the day would “lead to unchastity or to rumors harmful to her reputation” (Tigay [1996] 228, and sources cited on 390 n. 65). On the treatment of the familiar phrase “alien, orphan, and widow” in two separate parts, see also 10:18, the discussion of Melamed (*Studies in Bible*, 115–53), and the comments on the resultant menorah ah pattern in *Form/Structure/Setting* above.

19–22 See Ruth 2 and cf. Lev 19:9–10; 23:22, Exod 23:10–11; and Lev 25:2–7. Mayes notes that the phrase “in all the work of your hands” normally appears as a concluding formula ([1981] 327). In this particular law it appears precisely in the middle of the two laws in 24:17–22, which concern the protection of the rights and

privileges of the sojourner, the orphan, and the widow in ancient Israel. Moreover, from a prosodic perspective, v 19b functions as a rhythmic bridge connecting vv 19a and 20, which may be read in two different ways in terms of total mora count: (28 + 28 + 29):(19 + 18) or (28 + 28):(29 + 8 + 29).

Explanation

The story of Ruth was shaped with this law in view, for she was at the same time an alien, an orphan (she left all her family behind in Moab), and a widow. The fields, olive trees, and vineyards were not to be picked clean. Landowners were obliged to leave a portion of food behind so that those in need could glean from them; and Boaz actually ordered his workers to leave handfuls of grain for Ruth to gather (Ruth 2:16). Such a practice kept the needy from the humiliation of begging for subsistence. The poor were thus able to maintain their dignity by working for their own food, though the owner of the field did not profit directly from their labors.

The law itself is framed by parallel references to the motivation for the concern for the poor and vulnerable in ancient Israel: “remember that you were a slave in (the land of) Egypt” (vv 18, 22).

A Remember that you were a slave in Egypt	<u>24:18</u>
B The overlooked grain is for the alien, orphan, and widow	<u>24:19</u>
X The overlooked olives are for the alien, orphan, and widow	<u>24:20</u>
B' The overlooked grapes are for the alien, orphan, and widow	<u>24:21</u>
A' Remember that you were a slave in the land of Egypt	<u>24:22</u>

The phrase “the alien, the orphan, and the widow” appears four times in this law (vv 17, 19, 20, 21). The image here is one of the most picturesque of all the laws of Deuteronomy and continued to influence customs within Christianity for centuries to come, as illustrated by Millet’s famous painting, *The Gleaners*.

11–12. Limits on Flogging and Not Muzzling the Ox (25:1–4)

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Translation and Prosodic Analysis

Limits on Flogging [(6:5):(5:6)]

¹ <i>When there is a dispute / between men /</i>	13	2
<i>and they take it to court / and they render a decision //</i>	16	2
<i>and they declare one / righteous /</i>	11	2_
<i>And they declare the other / guilty //</i>	13	2
² <i>and it shall be / if the guilty one / is to be flogged //</i>	<u>16</u>	3_
<i>The magistrate shall have him lie down /</i>	11	1
<i>and he shall be given lashes in his presence /</i>	11	1
<i>According to his guilt \ by number //</i>	12	1
³ <i>forty times he may be stricken / but not more //</i>	15	2_
<i>Lest being flogged further than this / to excess /</i>	21	2
<i>your brother is degraded / in your eyes //</i> ⊔	13	2

Not Muzzling the Ox

⁴ <i>You shall not muzzle an ox / while it is threshing //</i> ⊔	<u>12</u>	2_
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Notes

1.a-a. Omitted in LXX. Prosodic analysis supports MT.

2.a-a. LXX reads καθιεῖς αὐτὸν ἐναντίον αὐτῶν (= הפּלִיתוּ לְפָנֵיהֶם, “you shall lay him down before them”) for MT והפילו השפט והכהו לפניו. Prosodic analysis supports MT.

2.b-b. Omitted in LXX.

2.c. Reading *tiphā*’ as conj. because of misplaced *sillûq*.

3.a. SP reads ונקל, “he is lightly esteemed,” for MT ונקלה, “and he is degraded.”

Form/Structure/Setting

The laws in Deut 25 are in two parts of unequal length: a group of five laws on humanitarian concerns and social ethics (vv 1–16) and the concluding injunction to remember to hate the Amalekites (vv 17–19) for their aggression against the people of Israel in the wilderness, as recorded in Exod 17:8–15. Though the first two of these laws, putting limits on flogging (vv 1–3) and not muzzling an ox when it threshes grain (v 4), make up a single literary unit from a prosodic point of view, they are also separate laws within a five-part concentric structure:

A	Limits on flogging	(Joseph sold into slavery)	<u>25:1–3</u>
B	Not muzzling an ox	(Joseph in Egypt)	<u>25:4</u>
X	Levirate marriage	(Judah and Tamar)	<u>25:5–10</u>
B’	Immodest intervention in a fight	(Joseph in Egypt)	<u>25:11–12</u>
A’	Honest weights and measures	(Israel in the wilderness)	<u>25:13–16</u>

The relationship between these laws in this structure is more easily seen by examining the stories in Genesis that are shaped by them. The outer frame in this structure moves from the law limiting flogging to forty lashes (Deut 25:1–3), which is used to shape the story of Joseph and his brothers in Gen 37, to the law on honest weights and measures (Deut 25:13–16), which shapes the story of Israel in the wilderness en route to Mount Sinai immediately following the exodus from Egypt in Exod 16. The inner frame is made up of two laws (Deut 25:4, 11–12), both of which are used to shape aspects of the stories of Joseph in Egypt in Gen 37–45. These two laws form a frame around the law of the levirate marriage in the center (Deut 25:5–10), which is used to shape the story of Judah and Tamar in Gen 38.

Though the MT of Deut 25:1–4 is divided in two parts with *sētûmā*’ layout markers after vv 3 and 4, it is a single literary unit from a prosodic point of view (scanning 6:5:5:6 in accentual stress units). The brief law on not muzzling an ox while it threshes (v 4) functions as a transitional element to move from the Joseph story (Gen 37, 39–50) to that of the episode with Judah and Tamar (Gen 38). The two laws together may be outlined in concentric structural fashion:

A	When the decision is rendered that a man is to be flogged	<u>25:1–2a</u>
B	He shall be flogged by count as his guilt warrants	<u>25:2b</u>
X	Forty lashes he may be given, but not more	<u>25:3a</u>
B’	The man shall not be humiliated by being flogged to excess	<u>25:3b</u>

In this reading, the law on not muzzling the ox (v 4) is the second half of the outer frame and is to be read over against the account of the decision that a man should be flogged (vv 1–2a). The inner frame spells out the manner in which the sentence is to be carried out and sets specific limits so that the person is not humbled unduly. Forty lashes are the limit, and no more.

The manner in which the story is told in Gen 37 suggests that the writer is aware that “only an impartial inquiry, such as would be found in a court, could get to the heart of the matter and decide where to fix the blame” (*LNB*, 289–90). We learn at the outset that “Joseph brought an ill report of [his brothers] to their father” (Gen 37:2), but we are not told the details. All his brothers found fault with him. Moreover, as Carmichael observed, Reuben pleaded with his brothers at one point not to take his life (Gen 37:21).

Carmichael called attention to another significant feature in the narrative of Gen 45. After Joseph had given his brothers grain, he instructed them: “Do not quarrel on the way” (Gen 45:24). “These words recall the quarrel between Joseph and his brothers and one major cause of it, namely, his dream about himself as the upright sheaf standing before the other prostrate ones. At this point in the narrative Joseph the forgotten sheaf has come into his own and can command his brothers” (Carmichael, *LNB*, 291).

The law of the unmuzzled ox is made up of only four words in the Hebrew text (v 4). Carmichael’s arguments for interpreting the verse in a figurative sense, rather than the literal one usually given to it, are convincing; for “from a practical point of view the animal should be muzzled and, having done its work, then be fed. In typical proverbial fashion the impracticality of the injunction catches the hearer’s attention in order to direct it to another meaning” (*LNB*, 292).

The figurative nuance of the forgotten sheaf in the previous law, where Joseph himself becomes the sheaf of grain forgotten for awhile and then remembered, is carried over into the law about the ox as well. An Israelite hearer would have puzzled over the requirement as it applies to a treading ox, for if a treading ox is not muzzled or driven by a whip, it will merely consume the seed it is supposed to be producing in the process of treading. “The oddness of a literal reading of the requirement is the clue that the meaning is to be displaced. In switching from one reading to the other, it is crucial to observe that a third party will have to be involved in getting the unmuzzled ox to produce seed.... A man, left to himself like the ox with the grain, dies without producing offspring. As with the unmuzzled ox, a third party has to be involved. A relative, like the person responsible for attending to the ox, is under an obligation to ensure that seed [progeny] is forthcoming” (Carmichael, *LNB*, 294).

The evidence assembled by Labuschagne on the use of the divine-name numbers in 25:4 and its larger literary context may be summarized as follows:

Words:	before 'atnāḥ		after 'atnāḥ		
<u>25:1–4</u>	22	+	23	=	45
<u>25:5–12</u>	70	+	52	(= 2 × 26)	= 122
<u>25:13–19</u>	68	(= 4 × 17)	+	25	= 93
<u>25:1–19</u>	160	+	100	=	260 (= 10 × 26)

<u>25:11–19</u>	85	(= 5 × 17)	+	32	=	117	
<u>25:13–16</u>	29		+	17	=	46	(= 2 × 23)
<u>25:17–18</u>	17		+	6	=	23	
<u>24:10–25:4</u>	119	(= 7 × 17)	+	100	=	219	
<u>21:10–25:19</u>	929		+	652	=	1,581	(= 93 × 17)

The Hebrew text of the sixth weekly portion in the lectionary cycle of Torah readings from Deuteronomy (21:10–25:19) is indeed a numerical composition from beginning to end, in which the divine-name numbers are carefully woven into the fabric of the text in a variety of ways.

Comment

1–3 In this instance a ריב, “dispute,” refers to a matter of litigation that is taken “to court” (אל־המשפט). Here “the guilty one” (הרשע) is sentenced “to be flogged” (בן

הכות; lit. he is “a son of the striking”). Flogging was also prescribed as the punishment for a man who falsely accused his bride of not being a virgin at the time of their marriage (22:18). Though we are not informed of other circumstances in Israel in which offenses were punished in this way, we do know from ancient Mesopotamian law that flogging was imposed “for such offenses as destroying someone’s house, encroaching on a neighbor’s land, selling persons whom one has distrained because of a debt, defrauding creditors, theft, and changing brands on sheep” (Tigay [1996] 230). The statement כְּדִי רִשְׁעוֹתוֹ בַּמִּסְפָּר, “in a number according to his guilt,” goes with the following words, “forty times he may be stricken but not more.” As Mayes noted ([1981] 327), “forty” is also the amount of punishment in some Middle Assyrian laws (*ANET*, 181, A §18), while others range from five to one hundred (for specific citations see Tigay [1996] 390 n. 2). On “lest ... your brother is degraded in your eyes,” Tigay says, “Perhaps the person being flogged would humiliate himself further by crying or begging hysterically for mercy, or by soiling himself from fright or from the severity of the beating” ([1996] 230).

4 This brief law relating to the ox consists of only three lexical items in the Hebrew text, and there is no *’atnāḥ*. From a prosodic point of view, it is closely related to vv 1–3, in spite of the sharp difference in content. Oxen “threshed” the grain by trampling the stalks or pulling a threshing sledge over them. Farmers would sometimes “muzzle an ox” to keep it from stopping to eat. The alternative was to freely administer a whip to goad the animal on in its work.

Explanation

In the Torah many crimes are mentioned for which no specific punishment is specified. It is supposed that scourging was used at the discretion of the magistrates in these cases. The punishment was administered in open court, under the inspection of the magistrate, and without respect to the rank of the criminal. If some crimes were punished in this manner today, as with judicial caning in Singapore, and capital punishment eliminated, as is the case in numerous other countries, it might be effective in our own nation in curbing flagrant violations of the law. At the same time, it must be remembered that to punish persons commensurate with their crimes does not dishonor them; but to beat them excessively in public does not demonstrate the respect due a fellow human being. In ancient Israel, at least within the context of the laws in Deuteronomy, beating was to be given as punishment in certain cases, and the punishment must be proportionate to the crime committed.

The law on not muzzling an ox while it threshes grain is cited in 1 Cor 9:9 and 1 Tim 5:18 as meaning “the laborer deserves his wages” in reference to compensation for those in the ministry: “those who proclaim the gospel should get their living by the gospel” (1 Cor 9:14). At the same time, it should be noted that Paul chose not to exercise this right: “we have not made use of this right, but we endure anything rather than put an obstacle in the way of the gospel of Christ” (1 Cor 9:12). Matthew Henry summed up the matter well, long ago, when he said the law in 25:4 teaches us that we must “not only be just, but kind, to all who are employed for our good, not only to maintain but to encourage them, especially those that labour among us in the word and doctrine, and so are employed for the good of our better part” (*Exposition of the Old and New Testament* 1:670).

13. Levirate Marriage (25:5–10)

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Translation and Prosodic Analysis

Levirate Marriage [(4:5):(6:5):(6:6):(5:6):(5:4)]

⁵ *When brothers dwell / together /*

	<i>and one of them dies / and he has no son /</i>	17	2_
	<i>The dead man's wife shall not / go outside / to a stranger //</i>	18	3
	<i>her husband's brother / shall go in to her /</i>	<u>14</u>	2_
	<i>And he shall take her as his / wife /</i>	13	2
	<i>and he shall perform the brother-in-law's duty //</i>	9	1
6	<i>And it shall be / in regard to the firstborn /</i>	9	2
	<i>whom she bears /</i>	6	1_
	<i>He will be established / under the name of his dead / brother //</i>	14	3
	<i>that his name may not be blotted out / from Israel //</i>	<u>16</u>	2_
7	<i>And if the man / does not wish / to take / his brother's wife //</i>	20	4
	<i>his brother's wife shall go out to the gate / to the elders /</i>	21	2_
	<i>And she shall say / "My husband's brother refuses /</i>	15	2
	<i>to establish his brother's name / in Israel /</i>	18	2
	<i>he will not perform / a brother-in-law's duty by me" //</i>	<u>10</u>	2_
8	<i>And the elders of his city shall summon him /</i>	15	1
	<i>and they shall speak to him //</i>	9	1
	<i>But if he stands firm and he says /</i>	8	1
	<i>"I do not wish / to take her" //</i>	19	2_
9	<i>Then his brother's wife shall approach him /</i>	12	1
	<i>in the sight of the elders /</i>	<u>11</u>	1
	<i>And she shall remove his sandal / from his foot /</i>	15	2
	<i>and she shall spit / before his face //</i>	<u>11</u>	2_
	<i>And she shall declare / and she shall say /</i>	12	2
	<i>"Thus \ let it be done to the man /</i>	13	1
	<i>who will not build up / his brother's house" //</i>	13	2_
10	<i>And his name shall be called / in Israel //</i>	13	2
	<i>the "house / of the unsandaled one" // ד</i>	9	2_

Notes

5.a-a. SP reads אליה, "to her," for MT עליה, "to her."

6.a. SP reads reads הבן הבכור, "the firstborn son"; LXX reads τὸ παιδίον τὸ πρωτότοκον, "the firstborn son."

7.a. Reading מאין, "he refuses," with most Heb. MSS and printed editions, rather than L מאין.

7.b. Some Heb. MSS, SP, LXX^N, Syr., and Vg. add *waw*-conj. Prosodic analysis favors MT.

9.a. Reading *pašṭā*’ followed by *zāqēp qātōn* as conj.

Form/Structure/Setting

The phrase “levirate marriage” comes from Latin *levir*, “husband’s brother.” The verb **בב**’ means to do the duty of a **בב**’, “husband’s brother.” When a man died childless, his brother was to marry the widow. The first son born to them was considered the son of the deceased man from a legal point of view. If the brother refused to do this, he was submitted to a public procedure called “removal of the sandal,” and the woman was free to marry outside the family. The matter is taken up in two other biblical texts: Gen 38 and Ruth 4 (which involves a more distant relative than the brother-in-law).

The law on levirate marriage is in the middle of a concentric structural design of the final sixteen laws in the Deuteronomic collection (24:1–25:19), which may be outlined as follows:

A Forbidden remarriage and one-year deferral for new husband	<u>24:1–5</u>
B Eight laws protecting the poor and vulnerable	<u>24:6–22</u>
C Limits on flogging and not muzzling an ox while threshing	<u>25:1–4</u>
X Levirate marriage	<u>25:5–10</u>
C’ Improper intervention in a fight	<u>25:11–12</u>
B Honest weights and measures	<u>25:13–16</u>
A’ Remember to hate the Amalekites (YHWH’s Holy War)	<u>25:17–19</u>

The framework in this menorah pattern (A, X, A’) moves from a pair of laws on marriage and war (24:1–5) to a concluding note on YHWH’s Holy War at the time of the exodus from Egypt (25:17–19), with the law on levirate marriage in the center (25:5–10). These four laws display the familiar three-plus-one pattern, in which the concluding reminder to “hate the Amalekites” stands in opposition to the other three laws on specific matters of war and marriage. The remaining twelve laws in this concentric structure move from ten laws on specific matters of social ethics (24:6–25:4) to two symbolic laws (25:11–16), which direct the reader’s attention to the beginning and end of what we have called the first phase of YHWH’s Holy War, the exodus from Egypt, with Joseph in Egypt (25:11–13) and the nation of Israel in Sinai en route to the promised land (25:13–16). See further below, particularly the pivotal role played by the curious verse on having two “stones” of different size in one’s “pouch” (25:13), which verse belongs to both these laws.

The law of the levirate marriage in 25:5–10 has no internal structural indicators, other than the *sētūmā*’ layout marker at the end of v 10 and three instances of direct speech: twice on the part of the woman (vv 7b, 9b), and once on the part of the dead

husband's brother (v 8). Nonetheless, it can be divided into five parts in terms of its prosodic structure:

- | | | |
|----|--|-----------------|
| A | When a widow has no son, her husband's brother must take her | <u>25:5a</u> |
| B | The firstborn shall be accounted to the dead brother | <u>25:5b–6</u> |
| X | If the man refuses, she announces it at the city gate | <u>25:7</u> |
| B | Ritual of removing the sandal at the city gate | <u>25:8–9a</u> |
| A' | His name shall be called "house of the unsandaled one" | <u>25:9b–10</u> |

In this reading, the outside frame presents the situation: if a widow has no son, her husband's brother is obliged to father a son in his dead brother's name, or his own name shall be called "house of the unsandaled one." If the man refuses to do the duty of the levir, the woman is to make a public declaration at the city gate and to perform there the ritual of removing the sandal.

The nouns **יָבֵם**, "brother-in-law," and **יְבֵמָה**, "sister-in-law," and the verb **יָבַם**, "do the duty of a **יָבֵם**," appear a total of seven times in 25:5–10 within the following concentric structure:

- | | | | |
|----|--|--------------------------------------|--------------|
| A | "Her brother-in-law shall go in to her" | יבמה יבא עליה | <u>25:5b</u> |
| B | "He shall take her and do the levir's duty" | ולקחה לו לאשה
ויבמה | <u>25:5c</u> |
| C | "He does not wish to take his sister-in-law" | לא יחפץ ... לקחת
את־יבמתו | <u>25:7a</u> |
| X | "His sister-in-law shall go to the gate" | ועלתה יבמתו השערה | <u>25:7b</u> |
| C' | "My brother-in-law refuses" | מאן יבמי להקים ...
שם | <u>25:7c</u> |
| B' | "He will not perform the levir's duty" | לא אבה יבמי | <u>25:7d</u> |
| A' | "His sister-in-law shall go up to him ..." | ונגשה יבמתו אליו | <u>25:9a</u> |

The outer frame in this structure moves from a presentation of the legal duty of the **יָבֵם**, "husband's brother," in v 5 to that of the **יְבֵמָה**, "sister-in-law," in vv 9–10. The man's responsibility is to take his brother's wife and father a child in his name. If he refuses to do this, the woman's duty is to appear before the elders at the city gate to perform the

symbolic act of “removing the sandal” (v 7). The innermost frame presents the refusal on the part of the husband’s brother to take his “sister-in-law” (יְבִמָּה) in v 7a, which refusal is set over against the declaration on her part in v 7c that her “brother-in-law” (יְבִי) has refused to do his duty as a levir. The next frame contains the two occurrences of the verb יָבַם (both in the piel, vv 5c, 7d). The only other occurrence of this verb in the Hebrew Bible is in Gen 38:8, the narrative that presents this law in story form.

The key words אָח, “brother,” and שֵׁם, “name,” are also nested in a carefully constructed concentric pattern:

A	“When brothers dwell together”	כִּי־יֵשְׁבוּ אַחִים יַחְדָּו	<u>25:5a</u>
B	“He shall establish his dead brother’s name”	יָקוּם עַל־שֵׁם אָחִיו הַמֵּת	<u>25:6a</u>
X	“That his name is not blotted out in Israel”	וְלֹא־יִמְחָה שְׁמוֹ מִיִּשְׂרָאֵל	<u>25:6b</u>
B’	“To establish his brother’s name in Israel”	לְהַקִּים לְאָחִיו שֵׁם בְּיִשְׂרָאֵל	<u>25:7b</u>
A’	“He who will not build up his brother’s house”	אֲשֶׁר לֹא־יִבְנֶה אֶת־בַּיִת אָחִיו	<u>25:9b</u>

The outer frame in this structure moves from the opening introduction of the story about certain brothers who live together, one of whom dies without a son (v 5), to the conclusion in which the wife of the dead brother makes her declaration about her husband’s brother: “‘Let it be done to the man who will not build up his brother’s house [אֶת־בַּיִת אָחִיו]’; and his name shall be called in Israel the ‘house of the unsandaled one’ ” (vv 9b–10). The inner frame includes both of the key words as we move from an account of the levir’s duty to establish a name for his dead brother (v 6a), to the woman’s announcement that he has refused “to establish his brother’s name in Israel” (v 7b). The center of the structure states the purpose of the law: “that his name may not be blotted out from Israel” (v 6b).

The word “Israel” appears three times in 25:5–10; these occurrences form a framework within which the levir repeats his desire not to fulfill his duty:

A	“That his name not be blotted out from Israel”	וְלֹא־יִמְחָה שְׁמוֹ מִיִּשְׂרָאֵל	<u>25:6b</u>
B	“He does not wish to take his sister-in-law”	לֹא יַחְפֹּץ ... לְקַחַת אֶת־יְבִמָּתוֹ	<u>25:7a</u>

X	“To establish his brother’s name in Israel”	להקים לאחיו שם בישראל	<u>25:7b</u>
B’	“He declares: ‘I do not wish to take her’ ”	ואמר לא חפצתי לקחתה	<u>25:8b</u>
A’	“His name shall be called in Israel ...”	ונקרא שמו בישראל	<u>25:10</u>

The outer frame in this construction moves from a statement of the purpose of the law, that a man’s name not be blotted out in Israel (v 6b), to a new name given to the man who refused to do his duty: the “unsandaled one” (v 10). The inner frame places the man’s refusal as reported by the woman (v7a) over against a reiteration of that refusal on the part of the man himself (v 8b). In the center again we find the purpose of the law: to establish his brother’s name in Israel (v 7b). The connection between the law of the levirate marriage (25:5–10) and the story of Judah and his daughter-in-law Tamar in Gen 38 is obvious. Onan refused to do the duty of a levir and was punished by death. His motivation for going through the motions but “spilling his seed to the ground” is presumably greed, as Carmichael has noted, for in the circumstances he would retain his dead brother’s portion of the estate (*LNB*, 296).

According to the law, if the brother refuses, the widow takes off his sandal, spits “before his face”—that is, on the ground in front of him—and declares, “Thus let it be done to the man who will not build up his brother’s house.” The description of Onan his semen on the ground” is a graphic interpretation of “before his face” (לפניו) in 25:9, for “the shoe represents the female genitals, the foot the male organ, and the spitting semen” (Carmichael, *LNB*, 296). The verb חלץ (v 9) is taken with the sense of “to loose, withdraw,” in this instance from sexual intercourse. Carmichael also links the law with the preceding figurative law about not muzzling an “ox” in its “sexual treading”: “for without a shoe the man cannot tread in order to produce seed for his brother” (*LNB*, 297).

The evidence assembled by Labuschagne on the use of the divine-name numbers in 25:5–10 may be summarized as follows:

Words:	before 'atnāḥ	after 'atnāḥ			
		ḥ			
<u>25:5</u>	17		+	7	= 24
<u>25:5–6</u>		26	+	11	= 37
<u>25:5–7</u>		33	+	26	= 59
<u>25:7–10</u>		27	+	34 (= 2 × 17)	= 61

There are 17 words before 'atnāḥ in the opening verse presenting the legal situation: a man’s brother dies without leaving an heir (v 5). The basic law is completed by adding a description of the law’s purpose to provide an heir “under the name of his dead brother” (v 6). The numerical composition is carried out with 26 words before 'atnāḥ in vv 5–6. The problem arising should the brother choose not to exercise his duty is presented in v 7 in such a manner that there are 26 words after 'atnāḥ in vv 5–7. The ceremony

carried out in the case of such a refusal is described in vv 8–10 in a carefully constructed manner so that there are now 34 (= 2 × 17) words after *'atnāḥ* in vv 7–10. Once again, the ancient scribes have woven the divine name into the very fabric of the Hebrew text in their numerical composition, this time in the form of a simple chiasm: 17 (v 5) / 26 (vv 5–6) / 26 (vv 5–7) / 17 (vv 7–10).

Comment

5 On the basis of Gen 13:6 and 36:7, Tigay says “dwelling together” means living close enough to share the same pastureland, and that “this may mean that in biblical times the marriage was obligatory only if the levir’s home, where the widow and her future child would reside, was close to that property” ([1996] 231). Subsequent Jewish tradition (including LXX, which rendered **בן** as “offspring”) interpreted the words “he has no son” to mean children of either sex because of the law on the inheritance rights of Zelophehad’s daughters in Num 27:1–11. The purpose of levirate marriage was to avoid the loss of property to the family. The injunction “he shall take her as his wife” appears to contradict texts in Lev 18:16 and 20:21, which prohibit marriage between a brother- and sister-in-law. The ancient rabbis argued that Leviticus states the general principle and the law in Deuteronomy applies only when a married man dies without children. Tigay maintains that this conclusion has support in parallel texts of ancient Hittite laws, which place the prohibition of relations with one’s brother’s wife and the levirate law adjacent to each other, showing that the latter is the exception to the former ([1996]232).

6 The statement that “the firstborn ... will be established under the name of his dead brother” means that the child is legally the son and heir of the deceased. “According to *Sefer Ha-Hinnukh*, the offspring of the levirate marriage can even be thought of as the biological offspring of the deceased man, since, when the child’s mother married the deceased man she had become ‘bone of his bones and flesh of his flesh’ (Gen. 2:23), and since the husband’s brother is also partly his brother’s flesh” (Tigay [1996] 232).

7 The man may not “wish to take his sister-in-law” as wife for personal, familial, or financial reasons. The text in Gen 38:9 states simply that “since Onan knew that the offspring would not be his, he spilled his semen on the ground whenever he went in to his brother’s wife, so that he would not give offspring to his brother.” To “establish a name for his brother” means to sire an heir (cf. Gen 38:8: “raise up offspring for your brother”).

8–10 The significance of the details of the symbolic action are not explained. Tigay cites a parallel practice “among the ancient Germans, who symbolized the giving up of property and heritable rights by removing the shoe” ([1996] 233). The woman “shall remove his sandal from his foot, and she shall spit before his face.” The meaning of the term **בפניו**, translated here “before his face,” is ambiguous. Some translate it “in his face,” and others interpret it as spitting on the ground in front of the man. Support for the latter reading is found in Carmichael’s conclusion: “The shoe represents the female genitals, the foot the male organ, and the spitting semen” (*LNB*, 296), for Onan spilled his semen on the ground. The name “house of the unsandaled one” is a pejorative title to degrade the brother.

Explanation

The purpose of the law was to keep the inheritance separate and to preserve the genealogies distinct, as well as to provide for the destitute widow when the estate devolved on the next heir. Though the Sadducees cited their law to Jesus in a dispute about resurrection (Matt 22:23–33), the law of the levirate marriage concerns matters of social and economic justice in this world brought on by premature death, not in relationships in another world beyond death.

14. Improper Intervention in a Fight (25:11–13)

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Translation and Prosodic Analysis

Improper Intervention in a Fight [6:6] [5]

¹¹ When men get into a fight together / a man and his brother /	22	2
and the wife of one / comes near / to rescue her husband /	23	3
from the power of his assailant //	7	1_
And she stretches forth her hand /	10	1
and she seizes him / by his genitals //	12	2
¹² Then you shall cut off\ her hand //	10	1
your eyes / shall show no pity // ⊔	<u>11</u>	2_
¹³ You shall not have / in your “pouch” /	11	2
“two stones” /	7	1
a large one / and a small one // ⊔	<u>11</u>	2_

Notes

11.a-a. SP reads **בבשרו**, “in his flesh,” for MT **במבשיו**, lit. “by that which excites shame.”

12.a. Reading *tiphā*’ as conj. because of misplaced *’atnāh*.

12.b-b. A few Heb. MSS, Cairo Geniza fragments, and LXX read **עיניך**, “your eyes,” for MT **עינדך**, “your eye”; *Tg. Ps.-J.* reads **עיניכם**, “your [pl.] eyes”; LXX adds $\acute{\epsilon}\pi' \alpha\upsilon\tau\eta\acute{\iota}$ (= **עליה**), “on her.” The *Numeruswechsel* is restored here with *Tg. Ps.-J.* as *lectio difficilior*.

Form/Structure/Setting

Prosodic analysis reveals that v 13 functions as a rhythmic bridge connecting this law with the law on honest weights and measures that follows and belongs to both of them. Moreover, the content of this verse displays the quality of what is elsewhere called “Janus parallelism,” in that the meaning shifts as the reader moves from one context to the other.

In terms of prosodic structure, the content of Deut 25 as a whole may be outlined in a concentric structure:

A	Limits on flogging and not muzzling the ox	(Joseph in Egypt)	<u>25:1–4</u>
B	Levirate marriage	(Judah and Tamar)	<u>25:5–10</u>
X	Improper intervention in a fight	(Joseph in Egypt)	<u>25:11–13</u>
B'	Honest weights and measures	(Israel in Sinai)	<u>25:13–16</u>
A'	Remembering Amalekite aggression	(YHWH’s Holy War)	<u>25:17–19</u>

In this reading the narrative stories associated with the framework of the laws in the above structure (A, X, A') move from the “prelude” to the epic story of YHWH’s Holy War in which Joseph is sold into slavery in Egypt by his brothers (25:1–4), to a reflection on a still further meaning of **כִּיס**, “pouch,” of v 13—read as **כּוּס**, “cup,” in the narrative of the dream of Pharaoh’s cupbearer in Gen 40:11–21—and the beginning of the episode that will bring Joseph’s brothers to Egypt as well, and then to the first battle of YHWH’s Holy War in the wilderness of Sinai against the Amalekites (25:17–19). The focus of the inner frame of this structure, in this particular reading, associates the law of the levirate marriage (25:5–10) with the law on honest weights and measures (25:13–16). Since the imagery of the second of these two laws evokes that of God’s provision for his people in their flight from Egypt to Mount Sinai in Exod 14–18 (remembered in the Festival of Passover), it is not difficult to see how the beautiful story of Ruth was eventually shaped by the law of the levirate marriage in Deut 25:5–10 to explore God’s provision for “his people” (now enlarged to include Moab) in the annual celebration of the Feast of Weeks. The inclusion of the “enemy” nations within the “assembly of YHWH,” at the level of allusion in the story of Ruth, anticipates the eschatological assembly of the nations in Jerusalem at the Festival of Booths (Sukkoth).

The story of YHWH's Holy War thus moves through the three major moments in the festal calendar: from the Festival of Unleavened Bread and Passover (and the exodus from slavery in Egypt; 25:1–4), to the Festival of Weeks (25:5–10 and the book of Ruth), to the Festival of Booths (by way of theological anticipation, when the nations are gathered with Israel in Jerusalem, the city of David).

The boundaries of 25:11–13 are marked by *sētūmā* layout markers (after vv 12 and 13) and the *Numeruswechsel* in v 12, which is restored on the basis of *Tg. Pseudo-Jonathan* in v 12b. A further indication of structure is the appearance of the second singular verbal form at the beginning of v 12, which has been absent since 25:4 (on not muzzling the ox). The prosodic analysis suggests that v 13 belongs with vv 11–12, though it is also an essential part of the following law on honest weights and measures (vv 13–16).

It seems best to interpret v 13 as an example of Janus parallelism: the verse takes on a different meaning when read with what precedes it than when read with what follows (for an instructive example of this phenomenon elsewhere in the Pentateuch, see D. L. Christensen, “Janus Parallelism in Gen. 6:3,” *HS* 27 [1986] 20–24). When read with vv 11–12, the “stones” become the testes of the man in v 11, in parallel with the statement: “she seizes him by his genitals,” as suggested by Goodfriend (FS *J. Milgrom* [1995] 394). When read with vv 14–15, the meaning shifts sharply as the “stones” become weights, in parallel with the two kinds of measures of v 14. On the phenomenon of a verse functioning as a bridge connecting two sections and belonging to both, see also 23:1 and 24:5.

A number of other reasons for juxtaposing vv 11–12 and 13 have been suggested. Goodfriend cites one of her students, Shannon Gordon, who noted “that the common feature of the two situations described is the unfair advantage taken of the injured parties, the combatant who is taken by surprise by the wife of his fellow and the person who trades with the user of unjust weights.” Goodfriend’s discussion of Jacob ben Asher’s suggestion in his commentary *Ba'al ha-Turim* is also worthy of note: “he derives the teachings that one should not look at one’s own nakedness, and alternatively, that one should not be too preoccupied with money, i.e., the contents of one’s pockets. He also suggests that the placing of the laws together offers proof for the rabbinic position that monetary compensation (inferred from the reference to pockets and weights), and not mutilation, was the intention of v. 12” (FS *J. Milgrom*, 394 n. 58). Kaufman (*MAARAV* 1.2 [1979] 142–43) suggests that the law in vv 11–12 is connected with the first part of the tenth commandment, concerning the coveting of one’s neighbor’s wife (5:21a), whereas v 13 is concerned with the second part of that commandment, concerned with coveting a neighbor’s property (5:21b).

The law of improper intervention in a fight, as it appears in 25:11–13, may be outlined as follows:

- | | |
|---|---------------|
| A If two brothers are fighting and she approaches | <u>25:11a</u> |
| B The wife of one of them comes to deliver her husband | <u>25:11b</u> |
| X And she seizes the man by his genitals | <u>25:11c</u> |
| B You shall cut off her hand, your eye shall show no pity | <u>25:12</u> |
| A' You shall not have “two stones” in your “pouch” | <u>25:13</u> |

The issue at hand is the specific action taken by the woman in seizing the man by his genitals in her attempt to come to her husband's assistance in the fight (v 11c). The outer frame moves from the situation at the outset in which two brothers are engaged in a fight (v 11a), and concludes with a double entendre on the "two stones in a pouch" (v 13). For this shameful action, she is to suffer corporal punishment by having the offensive hand cut off (v12a). The severity of the punishment invites a symbolic interpretation along the lines suggested by Carmichael (*LNB* [1985] 297–99): the startling shift in imagery also marks a corresponding shift in the narrative associated with this law, as we move from the stories of Joseph and Judah in Gen 37–50 to stories of Israel's experiences in the wilderness en route from Egypt to Mount Sinai in the days of Moses as recorded in Exod 17:8–15 and the battle with the Amalekites (which is shaped by the law in Deut 25:17–19 to hate the Amalekites).

The law of 25:11–13 was used to shape certain details of the narrative in Gen 38 of the episode with Judah and Tamar. "Her mode of action requires that she pursue him sexually; in crude terms, she goes after his genitals" (Carmichael, *LNB*, 299). The severity of the punishment in the law is mirrored in Judah's order: "Bring her out, and let her be burned" (Gen 38:24). The presence of the *sētūmā* layout marker and the *Numeruswechsel* at this point in the law of Deut 25:11–13 serves a disjunctive function, which mirrors that of the narrative in Genesis as well, as we move from Gen 38 to Gen 39–44.

The connection between Deut 25:13 and the corresponding narrative in Gen 42:25–35 and 44:1–13 may be shown by the story about the sacks (שָׂקוֹ, "his sack," in Gen 42:25, 27, 35) of grain in which Joseph twice returned his brothers' money, and Benjamin's "sack" (אֲמַתַּחַת) in which his own silver cup was placed (Carmichael, *LNB*, 299–303). The word for "pouch" in the law of Deut 25:13 is כֵּיס,

which appears nowhere else in the Pentateuch. The word שָׂק, "sack," which appears four times in Gen 42:25–35 and also in 37:34 in reference to the "sackcloth" that Jacob put on in his grief over the "death" of Joseph as reported by his brothers after they had sold him into slavery. The words in the Genesis narrative that correspond to the "bag" of the law in Deut 25:13 are apparently used with precision. A connection was apparently intended between the consonants in כֵּיס and שָׂק in the form of a chiasm: ך

ס // ק שׁ. Moreover, it is interesting to note the distribution of the term אֲמַתַּחַת, "sack," which appears twice in Gen 42:27–28 and seven times in Gen 44:1–12, but nowhere else in the Hebrew Bible. The distribution of the seven occurrences of אֲמַתַּחַת in 44:1–12 are as follows:

A	"Fill their sacks"	אֲמַתַּחַת הָאֲנָשִׁים	<u>Gen 44:1</u>
B	"Money in each sack" + "my cup in Benjamin's"	אֲמַתַּחַתוֹ + אֲמַתַּחַת	<u>44:1–2</u>
X	"We found money in our sacks"	אֲמַתַּחַתֵּינוּ	<u>44:8</u>

B'	“Money in each sack” / “each opened his sack”	אמתחתו / אמתחתו	44:11
A'	“Cup found in Benjamin’s sack”	באמתחת בנימן	44:12

The outer frame moves from the words of Joseph, “Fill the men’s sacks with food” (v 1), to the search in which Joseph’s “cup was found in Benjamin’s sack” (v 12). In the center is the use of the word with the first-person plural suffix, in reference to their first trip to purchase food in Egypt (v 8). The inner frame contains four occurrences of the word אמתחת, three of which have the third singular suffix and the fourth, אמתחתן, refers to Benjamin, “the smallest.” It should be noted that the concluding word of the law in Deut 25:13 is וקטנה, “and small.”

The evidence assembled by Labuschagne on the use of the divine-name numbers in 25:11–13, which is to read within the larger literary structure of 25:5–13, may be summarized as follows:

Words:	before 'atnāḥ	after 'atnāḥ				
		ḥ				
<u>25:5–10</u>	53		+	45	=	98
<u>25:11–12</u>		17	+	7	=	24
<u>25:11–13</u>		23	+	9	=	32
<u>25:5–13</u>	76		+	54	=	130 (= 5 × 26)
<u>25:5–12</u>	70		+	52 (= 2 × 26)	=	122
<u>25:9–12</u>		31	+	21	=	52 (= 2 × 26)

There are 17 words before 'atnāḥ in vv 11–12, the law on improper intervention on the part of a woman in the defense of her husband. When these verses are combined with the verse on the “two stones” in the “pouch” (v 13), vv 11–13 total 32 words, and 23 words before 'atnāḥ—the two alternative numbers for the word כבוד, “glory.” And the total number of words in vv 5–13 comes to 130 (= 5 × 26). Moreover, the divine-name number 26 is woven into the text in two additional ways when vv 11–12 are combined with the preceding law on levirate marriage (25:5–10): there are 52 (= 2 × 26) words after 'atnāḥ in vv 5–12, and a total of 52 (= 2 × 26) words in vv 9–12.

Comment

11–12 Though the law on improper intervention in a fight complements the laws of Exod 21:18–19, 22–25, which also deal with injuries caused by men fighting, it is without any real parallel. Though a Middle Assyrian law (*ANET*, 181, A §8, quoted by Tigay [1996] 485) is often cited as a parallel to this law, important factors make the law in Deuteronomy unique and puzzling. The Assyrian law speaks of a brawl in which the woman injures a man by crushing his testicle(s). In the biblical account the fight involves two brothers, one of whom is the husband of the woman. The woman seizes the other man by his genitals in an attempt to save her husband from the power of his assailant. Moreover, nothing is said as to the nature of any injury inflicted by the woman. Weinfeld argues that a second text from Nuzi, which C. H. Gordon presented as a parallel (*JPOS* 15 [1935] 29–34), is not clear enough to draw any conclusions (*DDS*, 293).

The expression “a man and his brother” indicates that both parties in this conflict are Israelites. The wife of one of them seeks “to rescue her husband” by grasping the opponent **במבשׂוֹי**, “by his genitals,” literally “by what excites shame.” The punishment, “you shall cut off her hand,” is severe and without parallel in the Bible for mandating mutilation as punishment apart from the law of talion. It may be that the principle of *lex talionis* is in play here in a figurative sense, for the word **יָד** seems to have been used as a euphemism for the male sexual organ in Isa 57:8 (and other texts, e.g., Cant 5:4 [see M. Pope, *Song of Songs* (1977) 523]; 1QS 7:13; CTA 23.33–35, 46–47). “It may be that this very particular piece of casuistic law is intended as an example of how *lex talionis* was able to be interpreted when it could not be applied literally” (Craigie [1976] 316). The peculiar nature of the crime and the severity of its punishment led to attempts within traditional Jewish circles to mitigate the punishment by interpreting “cut off the hand” to mean the presumed amount of the fine, that is, the value of the woman’s hand (Tigay [1996] 234). Cutting off the hand remains a common punishment for certain crimes in Saudi Arabia and other parts of the Arab world.

13 The phrase **אֶבֶן וְאֶבֶן** is read as “two stones,” one of which is larger than the other—that is, a description of the male testes (Goodfriend, *FS J. Milgrom*, 394). As one hears the content of v 14, however, which is in perfect poetic parallelism, the imagery shifts quickly to that of business ethics with two kinds of weights and measures.

Explanation

Like the law of the insubordinate son (21:18–21) and the law on premarital unchastity (22:20–21), there is little evidence that the law on improper intervention in a fight was ever enforced. Once again, we probably have here a law that was primarily pedagogical in its intent, though perhaps more in terms of symbolic meaning in relation to the reading of related narrative material in Genesis than a warning *in terrorem* to shape specific behavior. In this respect the close relationship between the law itself and v 13 on the “pouch” with its two stones, one large and the other small, merits reflection and comment.

When understood within the larger context of the telling of YHWH’s Holy War within the context of the festivals of ancient Israel, the law on improper intervention in a fight takes on deeper meaning. If Israel is taken as the wife, and her husband (YHWH) is seen to be engaged in mortal combat with the Enemy in the realm of spiritual warfare, an important lesson emerges. YHWH does not need our assistance in that combat.

Moreover, insistence on our part to get involved in the struggle will result in great pain and suffering on our part, which will leave us permanently maimed. The battle belongs to YHWH; and we must learn to trust him and remain as an observer to that conflict, even when the immediate course of the titanic struggle appears to be going against our self-centered interests.

15. *Honest Weights and Measures (25:13–16)*

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Translation and Prosodic Analysis

Honest Weights and Measures [(5:5):5:(5:5)]

13	<i>You shall not have / in your bag / two kinds of weights //</i>	18	3
	<i>larger / and smaller // D</i>	11	2_
14	<i>You shall not have / in your house / two kinds of measures //</i>	20	3
	<i>larger / and smaller //</i>	11	2_
15	<i>A full and honest weight / you shall keep /</i>	15	2
	<i>a full / and honest measure / you shall keep //</i>	17	3_
	<i>In order that your days may be long /</i>	14	1
	<i>in / the land / that YHWH your God /</i>	19	3
	<i>is giving you //</i>	6	1

¹⁶ For an abomination / to YHWH your God /	15	2
is anyone doing these things //	8	1
anyone / doing injustice // ם	<u>9</u>	<u>2</u>

Notes

16.a-a. The term אלהיך, “your God,” is omitted here in some Heb. MSS, Cairo Geniza fragments, and OL texts.

Form/Structure/Setting

The law on honest weights and measures (25:13–16) completes the second of two five-part groups of laws on humanitarian and social ethics (24:6–16 and 25:1–16). As shown in the discussion above, the laws of Deut 24–25 may be outlined in a simple five-part concentric structure:

A Framework: laws on marriage and war	24:1–5
B Laws on humanitarian concerns and social ethics, part one	24:6–16
X Summary law on protecting the sojourner, orphan, and widow	24:17–22
B Laws on humanitarian concerns and social ethics, part two	25:1–16
A' Framework: law on YHWH's Holy War (Amalekite aggression)	25:17–19

Within this structure, the second group of laws on humanitarian and social ethics (25:1–16) was outlined above in *Form/Structure/Setting* on Deut 25:1–4.

The law in Deut 25:13–16 focuses on business ethics, at least in terms of the plain meaning of the text. At the same time, it should be noted that the narrative in Exod 16, which is shaped by this law, is transitional in nature, with its focus on the people of Israel moving from the crossing of the Red Sea (Exod 14–15), in the exodus from slavery in Egypt, en route to Mount Sinai and to receiving the Ten Commandments (Exod 19–20).

The law on honest weights and measures (25:13–16) is divided into two parts by means of *sētûmā*' layout markers after vv 13 and 16, a situation that does not seem to match the content; for vv 13 and 14 are in perfect parallelism from a poetic point of view. Moreover, the prosodic analysis reveals an unusual pattern, somewhat like the 7:4:7 accentual stress unit in 24:19–20, in that the law in 25:13–16 can also be scanned (5:5):5:(5:5), with v 15a functioning as a bridge between two subunits. But this would necessitate ignoring the *sētûmā*' marker after v 13, which normally indicates a significant structural break.

As I suggested in the discussion of the law on improper intervention in a fight (25:11–13), v 13 belongs with what both precedes it and follows it. Moreover, when vv 11–13 and 14–16 are read as parallel rhythmic structures, the total mora counts are 124 and 128, respectively. In other words, 25:11–16 is carefully arranged in two parallel structural units, which are virtually equal in length from a prosodic point of view. At the same time, v 13 certainly belongs with what follows, and vv 13–15a can also be scanned as three parallel units in terms of both mora count (29 + 31 + 32) and content. In short, 25:13 is a rhythmic bridge connecting the two laws and belonging to both of them, much like 23:1 and 24:5.

When the law in Deut 25:13–16 is outlined in concentric fashion, we are able to see more clearly the relationship between the law and the narrative:

- A You shall not have two kinds of weights in your bag 25:13
- B You shall not have two kinds of measures in your house 25:14
- X You shall keep honest weights and measures (איפה שלמה וצדק) 25:15a
- B In order that your days may be long in the land 25:15b
- A' Doing injustice is an abomination to YHWH 25:16

The outer frame in this structure sets the issue of “two kinds of weights in your bag” (בכיסוד) in v 13 over against the concluding phrase, “anyone doing injustice” (כל עשה עול, v 16). The inner frame is in the form of an extended poetic line: You shall not keep two kinds of measures (v 14), if you want your days to be long in the land (v 15b). In the center of the above structure (v 15a) is a summary statement in poetic parallelism:

- A full and honest “weight” (אבן) you shall keep;
 a full and honest “measure” (איפה) you shall keep.

Carmichael argued that this couplet is related to the narrative of Exod 16, when God provided bread for the wilderness in the form of the mysterious manna (*LNB*, 302). The term איפה, “ephah,” provides the key, for the narrative of the manna concludes with the comment: “An omer is the tenth part of an ephah” (Exod 16:36). In this story it made no difference whether the measure was an honest one: “The people of Israel did so; they gathered, some more, some less” (16:17). God saw to it that the people kept “a full and honest measure”—namely, an “omer” (עמר)—a tenth of an “ephah” (איפה, 16:36).

The evidence assembled by Labuschagne on the use of the divine-name numbers in Deut 25:13–16, within its larger literary context in 25:1–19, may be summarized as follows:

Words:	before 'atnāḥ	after 'atnāḥ			
		ḥ			
<u>25:1–4</u>	22		+	23	= 45
<u>25:5–6</u>		26	+	11	= 37
<u>25:7–10</u>		27	+	34	(= 2 × 17) = 61
<u>25:11–</u>		85	(= 5 × 17) +	32	= 117

19

<u>25:1–</u> <u>19</u>	160		+	100	=	260	(= 10 × 26)
<u>25:11–</u> <u>12</u>	17		+	7	=	24	
<u>25:13–</u> <u>16</u>	29		+	17	=	46	(= 2 × 23)
<u>25:11–</u> <u>16</u>	46	(= 2 × 23)	+	24	=	70	
<u>25:13–</u> <u>19</u>	68	(= 4 × 17)	+	25	=	93	

There are 17 words after *'atnāḥ* in 25:13–16 (the law on honest weights and measures) and a total of 46 (= 2 × 23) words, numbers that suggest that the ancient scribes made their numerical composition to the “glory” (כבוד = 23) of YHWH (יהוה = 17 or 26). The law on improper intervention in a fight (25:11–12), which has 17 words before *'atnāḥ*, was attached. In 25:11–16 there are 46 (= 2 × 23) words before *'atnāḥ*. The concluding reminder to remember to “hate the Amalekites” in 25:17–19 was appended to the law on honest weights and measures (vv 13–16) to give a larger literary structure (vv 13–19), which has 68 (= 4 × 17) words before *'atnāḥ*. These laws were integrated into the still larger literary context of 25:1–19, which has a total of 260 (= 10 × 26) words, a fitting number for this concluding section of the literary expansion on the Ten Commandments in 11:26–25:19.

Comment

13 See the *Comment* on 25:11–13. For parallel legislation on weights and measures, see Lev 19:35–37 and the sixteenth chapter of the “Instructions of Amenemope” (*ANET*, 423). On parallels in Mesopotamia, see H. W. F. Saggs, *The Greatness That Was Babylon* (New York: Praeger, 1969) 282 (cited in Craigie [1976] 316 n. 16).

14–16 The phrase “two kinds of measures” interprets Hebrew **איפה ואיפה**.

An **איפה** was a unit of capacity in vessels designed to hold grain. The positioning of the phrase “a full and honest weight/measure” at the beginning of each of the parallel lines in v 15a is for emphasis. The motive clause “in order that your days may be long in the land” is essentially the same as the motive clause in the center of the Ten Commandments in 5:16b. Long life is the reward God grants to those who obey his commandments. The statement that “an abomination to YHWH your God is anyone doing these things” concludes the civil and criminal laws of Deuteronomy (12:1–25:16). Attention now shifts back to the subject of proper worship, following a brief digression on matters of Holy War (25:17–19).

Explanation

The law on honest weights and measures (25:13–16) is the final law dealing with matters of civil law in Deut 12–25, and its parallel in Lev 19:35–36 functions as the conclusion to the laws of holiness in Lev 19 in a similar manner. Amos also scorned those who “make the ephah small and the shekel great, and deal deceitfully with false balances” (Amos 8:5; cf. also Mic 6:11; Hos 12:7; Prov 11:1; 16:11; 20:10, 23). Jesus spoke to the same issue in his emphasis on honesty in the sense of utter sincerity as the hallmark of character: “Let what you say be simply ‘Yes’ or ‘No’; anything more than this comes from the evil one” (Matt 5:37).

The motivation behind this law is transparent. Justice and equity lead toward God’s blessing, “that your days may be long in the land that YHWH your God is giving you” (v 15). By contrast, deceitful actions on our part are “an abomination to YHWH your God” (v 16), and thus expose us to God’s curse.

16. Remember to Hate the Amalekites (25:17–19)

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Translation and Prosodic Analysis

Remember to Hate the Amalekites [(8:6):(6:8)]

¹⁷ Remember / what / Amalek / did to you //	18	4
on the way / when you went forth from Egypt //	13	2

18	how he encountered <i>you / on the way /</i>	9	2_
	<i>And he smote the hindmost of you /</i>	7	1
	<i>all the stragglers behind you /</i>	13	1
	<i>And you / were famished and weary //</i>	14	2
	<i>and he did not fear / God //</i>	<u>12</u>	2_
19	<i>And it shall be / when YHWH your God grants rest /</i>	20	2
	<i>to you / from all your enemies / round about / in the land /</i>	20	4_
	<i>That YHWH your God /</i>	11	1
	<i>is giving to you as an inheritance / to possess it /</i>	14	2
	<i>You shall blot out / the remembrance of Amalek /</i>	12	2
	<i>from under \ heaven // you shall not / forget // ד</i>	<u>13</u>	3_

Notes

17.a. LXX and Vg. read 2 sg. Note the use of the *Numeruswechsel* here, which helps to explain the variant reading.

18.a. Syr. adds אלהיך, “your God”; LXX reads τὸν κύριον (= יהוה) for MT אלהים, “God.”

19.a. Reading *tiphā*’ as conj. because of misplaced *’atnāh*.

Form/Structure/Setting

In biblical tradition the war against the Amalekites of Exod 17:8–15 marks the beginning of an enmity that continues throughout the whole canonical process in ancient Israel. The initial war with Amalek is marked by the figure of Moses, with his hands held aloft by Aaron and Hur—“one on one side, and the other on the other side; so his hands were steady until the sun set” (Exod 17:12)—for as long as his hands were upraised, Israel prevailed over the Amalekites. The story contains the fragment of an archaic war poem, which has been reconstructed as follows (see Christensen, *Prophecy and War*, 48):

For the hand is on Yahweh’s banner;
the battle belongs to Yahweh,
against Amalek from generation to generation. (Exod 17:16)

The conflict with Amalek is the starting point in the account of YHWH’s Holy War, as the Divine Warrior brought his people from the land of Egypt to their home in the land of Canaan.

King Saul’s rejection by the prophet Samuel is tied to the fact that he violated the law of Deut 25:17–19 by failing to observe the terms of YHWH’s Holy War against Amalek, when “he took Agag the king of the Amalekites alive, but utterly destroyed all the people with the edge of the sword” (1 Sam 15:8). Centuries later, in the story of Esther, the wicked Haman, who plotted the destruction of the Jews, is introduced as “the

Agagite, the son of Hammedatha” (Esth 3:1), to draw the observant reader’s attention to the story of Saul and Agag of times past. Mordecai, the cousin of Esther, who plays such a pivotal role in the story, is introduced as “the son of Jair, son of Shimei, son of Kish, a Benjaminite” (Esth 2:5), that is, a descendant of King Saul. Thus at the end of the story of ancient Israel within the canon of sacred Scripture, we return to the beginning of that epic story in the exodus from Egypt and to the injunction to “remember what Amalek did to you” (Deut 25:17). Esther remembered, and the Jews finally fulfilled the words of Moses: “the ten sons of Haman the son of Hammedatha, the enemy of the Jews [were hanged]; but they laid no hand on the plunder” (Esth 9:10). Thus the law of Deuteronomy was fulfilled, “You shall blot out the remembrance of Amalek from under heaven; you shall not forget” (Deut 25:17–19).

The presence of the *Numeruswechsel* at the beginning of this final literary unit in the sixth of the eleven weekly portion of Torah readings from Deuteronomy (21:10–25:19) suggests that it is to be separated somewhat from the preceding law. In fact, it forms an inclusion with the law on marriage to a woman captured in war (21:10–14), a law that introduced the larger literary structure. It also forms a more immediate inclusion with the law on the deferral of a new husband from military service in 24:5, which frames the third major subsection in the larger structure, 24:5–25:19.

Though the law of 25:17–19 differs from what precedes it in this section of Deuteronomy, to the point that some have questioned whether it should even be called a law in the formal sense, it shares the same structural design, which may be outlined as follows:

A	“Remember what Amalek did to you”	זכור את אשר-עשה לך עמלק	<u>25:17a</u>
B	“when you went forth from Egypt”	בדרך בצאתכם ממצרים	<u>25:17b– 18a</u>
X	“And he did not fear God”	ולא ירא אלהים	<u>25:18b</u>
B’	“When YHWH grants rest ... in the land”	והיה בהניח ... לך נחלה	<u>25:19a</u>
A’	“Blot out the remembrance of Amalek ... do not forget”	תמחה את-זכר עמלק ... לא תשכח	<u>25:19b</u>

In the center of this structure we find the simple statement that Amalek did not fear God (v 18b). The “fear of God” in wisdom literature is synonymous with wisdom (Prov 1:7; 9:10; 15:33; Job 28:28; Ps 111:10). In light of Deut 10:12, we know what it means to fear YHWH—it means to love him and to walk in his ways. The inner frame moves from a description of the experience of the people of Israel when they “went forth from Egypt” and faced the treachery of Amalek “on the way” (vv 17b–18a) to a glimpse into the future when YHWH grants them rest and they possess their inheritance in the

promised land (v 19a). The outer frame reminds the people to remember what Amalek did in times past (v 17a) and to blot out the remembrance of Amalek from under heaven in times to come: “you shall not forget!” (v 19b).

In the discussion of the previous law on honest weights and measures (25:13–16), the influence over narrative elsewhere in the Pentateuch moved from Gen 42–44 to Exod 16 (cf. Carmichael, *LNB*, 299–303). The law on remembering Amalekite aggression (Deut 25:17–19) moves from the tradition in Exod 16 to Exod 17:7 (Carmichael, *LNB*, 304). This attack was made on the weak and vulnerable among the people of Israel, which is the reason their action is judged so severely.

The evidence assembled by Labuschagne on the use of the divine-name numbers in 25:17–19 and its larger literary context may be summarized as follows:

Words:	before 'atnāḥ	after 'atnā ḥ				
<u>25:17–18</u>	17		+	6	= 23	
<u>25:13–19</u>		68 (= 4 × 17)	+	25	= 93	
<u>25:11–19</u>		85 (= 5 × 17)	+	32	= 117	(= 102 + 17)
<u>21:10–25:19</u>	929		+	652	= 1,581	(= 93 × 17)

Once again, we find the divine-name number 17 carefully woven into the fabric of the Hebrew text in different ways. Vv 17–18 have 17 words before 'atnāḥ and a total of 23 words (the numerical value of כבוד, “glory”), signifying the “glory of YHWH.” V 19 is constructed in a manner that ties 25:17–19 to its immediate literary context, with 68 (= 4 × 17) words before 'atnāḥ in 25:13–19 and 85 (= 5 × 17) words before 'atnāḥ in 25:11–19. The most striking figure, however, is the total achieved for the words in the sixth of the eleven weekly readings in the lectionary cycle taken as a whole (21:10–25:19), for there are a grand total of 1,581 (= 93 × 17). The tedious and laborious task of achieving these figures was done to the glory of YHWH.

Comment

17–18 “Amalek” was a grandson of Esau and one of the six sons of Eliphaz (Gen 36:11–12), who is linked with the land of Edom. As the first nation to attack Israel at Rephidim shortly after the exodus from Egypt (Exod 17:8–16), the Amalekites subsequently take their place as the enemy par excellence in biblical tradition. Details of their aggression emerge here that are not found elsewhere. In a surprise attack, they “launched an assault ... against the stragglers [נחשלים] ... [who] were famished [עִיף] and weary [יָגֵעַ].” The “stragglers behind” were those who were too weak to keep up with the others on their march through the wilderness. The word עִיף, translated here as “famished,” carries the meaning of “thirsty” or “hungry” more than “tired” (normally עָיַף), though the two words are sometimes used interchangeably (Tigay

[1996] 392 n. 56). Within the traditions of YHWH's Holy War, the Amalekites became a familiar subject for later generations as they remembered the exodus-eisodus events in cultic celebration (see *Excursus: "Holy War as Celebrated Event in Ancient Israel"*). The absence of extrabiblical information about this people should remind us that we are dealing with traditions of holy war in which the Amalekites play a central role symbolically—as the archenemy of Godpeople—and the first enemy defeated by the Divine Warrior, after the “Crossing of the Sea.” The reference to the fact that the Amalekites “did not fear God” indicates that they had no fear of divine punishment.

Sarna has noted that reference to the “fear of God” (יראת אלהים) often appears in connection with situations that invoke norms of moral and ethical conduct (*Exploring Exodus*, 25–26, 120). On the “fear of God” see Gen 20:11 (Abraham); Gen 42:18 (Joseph); Exod 1:17 (Hebrew midwives); Lev 19:14, 32 (laws of holiness); and Job 1:1, 8 (Job). From a historical point of view, it appears that the Amalekites ceased to exist as a nation in the days of Hezekiah, when “five hundred men of the Simeonites ... destroyed the remnant of the Amalekites” (1 Chr 4:42–43). The concept of the Amalekites as the enemy par excellence was alive as late as the book of Esther, where Haman is described as an Agagite (Esth 3:1, 10;8:3, 5; 9:24) so as to relate him to Agag, the Amalekite enemy of King Saul (1 Sam 15).

19 The words “remember” and “do not forget” form an envelope around 25:17–19. The people are to remember what Amalek did, and they are to remember what Moses has commanded them to do about it—“you shall blot out the name of Amalek from under heaven.” In Jewish tradition the injunction to “remember the Amalekites” is carried out by reading the words of Deut 25:17–19 in public worship on the Sabbath immediately before the Feast of Purim (when the book of Esther is read), which is celebrated one month before Passover (Tigay [1996] 236). To “blot out the name” means to “wipe them out.” The account of the war with Amalek in Exod 17:8–15 closes with the command that YHWH gave to Moses: “Write this as a reminder in a book and recite it in the hearing of Joshua: I will utterly blot out the remembrance of Amalek from under heaven” (Exod 17:14 NRSV). Moses then adds these words: “The LORD will have war with Amalek from generation to generation” (Exod 17:15 NRSV). On Exod 17:16 as a fragment of an archaic war poem appended to the narrative, and the war with Amalek as the first of a series of wars that, together with the defeat of the Egyptians at the Red Sea, constitute YHWH's Holy War par excellence, see my earlier discussion (*Prophecy and War*, 48–49). The first recorded attempt to eliminate the Amalekites appears in the Former Prophets, when Samuel commanded Saul to “go and smite Amalek, and utterly destroy all that they have; do not spare them, but kill both man and woman, infant and suckling, ox and sheep, camel and ass” (1 Sam 15:3). The canonical process for the Hebrew Bible concludes with the inclusion of the book of Esther, when the ten sons of Haman the Agagite (Esth 3:1) were hanged on the gallows their father had built to execute Mordecai (Esth 9:13–14).

Explanation

The language of holy war, as presented here in the injunction to remember to hate the Amalekites, has been the occasion of great mischief through the centuries within both Judaism and Christianity. Many scholars, like H. H. Shires and P. Parker, have concluded that “the antagonism which was felt toward foreigners ... in the form in which it appears here, ... sinks far below the lofty heights elsewhere to be seen in this book.... Like the chauvinists and totalitarians of our own generation, the author felt that

hatred of another people would help to unify the nation” (see their “Exposition of the Book of Deuteronomy,” *IB* 2:482).

Such a teaching is contrary to that of the apostle Paul when he quoted Jesus’ words: “If your enemies are hungry, feed them; if they are thirsty, give them something to drink; for by doing this you will heap burning coals on their heads” (Rom 12:20 NRSV). It is also contrary to the teaching of Deuteronomy itself, when properly understood and interpreted.

The war with Amalek in Exod 17 is the first in a series of wars that, together with the defeat of the Egyptians at the Red Sea, constitute YHWH’s Holy War par excellence, as celebrated event in ancient Israel. Further battles in this series include the war with the Canaanite kings of Arad (Num 21:1–3), the wars with Amorite kings Sihon and Og (Num 21:21–35), and the war against Midian (Num 31:1–54)—all under the leadership of Moses. After Moses’ death, Joshua led the people of Israel across the Jordan River to the second phase of YHWH’s Holy War against Jericho, Ai, and the Canaanite inhabitants of the promised land. What we are dealing with here is the presentation of Egypt and Amalek as paradigmatic enemies within the canonical process.

Seven other traditional enemies appear, alongside Amalek, in Deuteronomic tradition, namely the “seven nations greater and mightier than [Israel]”—the Hittites, Gergashites, Amorites, Canaanites, Perizzites, Hivites, and Jebusites (Deut 7:1; Josh 3:10; 24:11). Though some of these “nations” are identifiable, the Perizzites and the Gergashites remain obscure. Detailed study of the occurrences of these seven names within the biblical tradition suggests that the complete listing of seven nations is traditional in nature. Within the Holy War materials of the Deuteronomic tradition, these seven nations constitute a roll call of enemies within some sort of cultic context, in which Amalek was considered the archenemy par excellence.

Though the book of Esther continues that ancient tradition and brings it to a fitting conclusion in the death of Haman and his ten sons, the Latter Prophets and the Writings together present a remarkable transformation of teachings about Israel’s enemies. Egypt becomes “the rod of [YHWH’s] anger” in Isa 10:5, which is to be understood in terms of the great “march of conquest” portrayed in Isa 10:27c–34 (D. Christensen, “The March of Conquest in Isaiah 10:27c–34,” *VT* 26 [1976] 385–99). In this passage it is the Divine Warrior himself who threatens daughter Zion with destruction. The vision continues across the chapter division. In spite of the hewing down of “the thickets of the forest” (Isa 10:34), a shoot from the stump of Jesse will become an ensign to the nations (11:1, 10) for an eschatological contest. Although the focus in these passages is on the remnant of Israel, it is clear that YHWH is Lord of the nations. He will use, however unwittingly, even wicked Assyria to pave the way for a “new eisodus” (11:12–16) that will establish his people in a “new kingdom” described in messianic terms (11:1–9). The image is carried even further within Isaiah’s subsequent oracles against Egypt (Isa 19:24–25): “In that day Israel will be the third with Egypt and Assyria, a blessing in the midst of the earth, whom the LORD of hosts has blessed, saying: ‘Blessed be Egypt my people, Assyria the work of my hands, and Israel my heritage.’ ”

Along with the seven paradigmatic enemies of ancient Israel, Amalek faced annihilation in the ancient traditions of YHWH’s Holy War. Subsequent enemy nations, however, were treated very differently within the canonical process. Cultic gatherings at the temple in Jerusalem became anticipations of all nations gathering to worship YHWH. Kings from Egypt, Ethiopia, and all the kingdoms of the earth, bearing gifts for the temple and singing praises to God, join the procession of the tribes of Israel to the temple in Ps 68.

In Isa 40–55 the descendants of Israel return to Zion from exile, in contexts that suggest that the “survivors of the nations” are reckoned among these descendants (44:1–5; 45:22–25; 49:12–20; 53:10). When, as a result of the suffering and mission of the servant, the peoples at the ends of the earth are waiting for YHWH’s rule, their survivors join themselves to Israel to converge on Jerusalem (55:5). People from nations “of every tongue” join the returning Jews (Zech 8:21–23), and the alienation of the enemy nations is removed when YHWH changes “the speech of the peoples to a pure speech” so that they may call on his name (Zeph 3:9). Kings lead their nations in a great procession (Isa 60:3, 11), which extends “from sea to sea and from mountain to mountain (Mic 7:12), bringing the wealth of the nations on camels (Isa 60:5–6), driving before them animals for sacrifice, and carrying the sons and daughters of Israel in their arms (v 4). They join themselves to YHWH and become his people (Zech 2:11) and go up every year to the great fall festival in Jerusalem (Zech 14:16)—where they assemble to hear the words of Deuteronomy recited “every seventh year, in the set time, the year of release, at the Festival of Booths, when all Israel comes to appear before YHWH your God in the place that he will choose” (Deut 31:10–11).

Reading 7: Public Worship and Covenant Renewal (26:1–29:8 [Eng. 9])

Introduction

The seventh of the weekly portions in the cycle of Torah readings from Deuteronomy (26:1–29:8) is known as כִּי תָבוֹא, “when you come,” from its opening words. Its first segment, with its two liturgies for use in the annual pilgrimage festivals (26:1–15), functions as a transitional passage tying together the stipulations of the covenant as spelled out in the laws of the central core (chaps. 12–26) with the covenant ceremony that follows in 27:1–29:8 (Eng. 9) and the appeal for covenant loyalty in 29:9 (Eng. 10)–30:20.

Deut 26 functions as the conclusion to the collection of laws in the central core, as shown in the following outline:

A Public worship at the central sanctuary and in local towns	<u>12:1–14:21</u>
B Laws on human affairs in relation to God	<u>14:22–16:17</u>
X Laws on leadership and authority—executive and judicial	<u>16:18–21:9</u>
B Laws on human affairs in relation to others	<u>21:10–25:19</u>
A' Public worship at the central sanctuary and in local towns	<u>26:1–19</u>

In this structure the whole of 26:1–19 is read over against the section on proper worship at the central sanctuary (“the place YHWH chooses to make his name dwell there”) in 12:1–14:21.

Deut 26 is also to be read in relation to 14:22–16:17, for the subject of the special triennial tithe in ancient Israel appears in 14:28–29 and here in 26:12–15, but nowhere else in the Torah. Moreover, the fourth of the weekly portions of the Torah readings from Deuteronomy in 11:27–16:17 concludes with a section on the three pilgrimage festivals (16:1–17) where the liturgy of 26:5–9 had its *Sitz im Cultus*. The relationship between 16:1–17 and 26:1–19 may be outlined as follows:

A The Passover sacrifice and the Feast of Unleavened Bread	<u>16:1–8</u>
B The Feast of Weeks and the Feast of Booths	<u>16:9–15</u>
X Do not appear empty-handed at the three festivals	<u>16:16–17</u>
B The liturgy of firstfruits and the triennial tithe	<u>26:1–15</u>
A' Mutual commitments between God and Israel in covenant renewal	<u>26:16–19</u>

The presentation of the pilgrimage festivals in Deut 16 follows the agricultural year, beginning in the spring with Passover and the Feast of Unleavened Bread and moving on to the Feast of Weeks (Pentecost), seven weeks later in early summer, and then to the Feast of Booths (Sukkoth) in the fall. The section concludes with a summary command that every male is to appear at the central sanctuary (“the place God will choose”) “three times in the year ... at the Feast of Unleavened Bread and at the Feast of Weeks and at the Feast of Booths; and they shall not appear before YHWH empty-handed” (16:16). The declaration in 26:5–9 (and vv 12–15) is what each individual worshiper was commanded to say as he placed his offerings (and tithes) before YHWH in public worship at the central sanctuary.

The above outline suggests that the ceremony of covenant renewal, with its mutual commitments made between God and Israel, was celebrated in conjunction with the spring festival of Passover and Unleavened Bread. The Feast of Weeks (at the culmination of grain harvest) and the Feast of Booths (on completion of the agricultural year as a whole) were the occasions for the liturgy of firstfruits and the presentation of the annual tithes. The special triennial tithe was apparently stored locally in the towns, or perhaps in the nearest Levitical city, as provision for the needs of the Levites, resident aliens, orphans, and widows—and perhaps for use in the context of local assemblies every fifty days within the towns throughout the country, except on the occasions of the three pilgrimages to the central sanctuary (see *Excursus: “The Triennial Cycle of Torah Readings in Palestinian Judaism”*). The injunction not to appear at these three festivals empty-handed is the focus of attention, for the entire system in terms of the religious establishment (priests and Levites) and social welfare (provision for the needs of resident aliens, orphans, and widows) was dependent on this income.

Though Deut 26 is in three parts, with the boundaries of each section marked by *sētūmā*’ layout markers after vv 11, 15, and 19, careful prosodic analysis reveals five major rhythmic structures:

A Worship by offering God the firstfruits

B Liturgy—declaration at the central sanctuary	<u>26:1–4</u>
	<u>26:5–9</u>
X Worship in providing for human need—Levites and aliens	<u>26:10–11</u>
B Liturgy—declaration at local sanctuaries	<u>26:12–15</u>
A' Worship and mutual commitments between God and his people	<u>26:16–19</u>

The literary structure alternates between third-person description of worship and first-person liturgical declaration, which constitutes the inner frame in this particular structure. The concluding subunit in 26:16–19, which serves as a connecting link between 11:26–32 and 27:1–10, is itself in two parts (vv16–17 and 18–19), in which mutual commitments are made between God and Israel in covenant renewal—in anticipation of the covenant ceremony itself, which follows in Deut 27–30.

A close reading of Deut 27–30 reveals a mixture of two covenant ceremonies: one on the plains of Moab, in the days of Moses, and another to be observed in the future at Shechem under Joshua. The most useful approach for our purposes here is to examine in detail the whole of Deut 26–30, the seventh and eighth of the weekly readings from Deuteronomy in the lectionary cycle, which may be outlined as follows:

A Public worship at the annual festivals in the promised land	<u>26:1–19</u>
B The renewal of the covenant at Shechem	<u>27:1–26</u>
X Blessings and curses of covenant renewal in Moab	<u>28:1–69</u>
B Appeal for covenant faithfulness in the future	<u>29:1–28</u>
A' Call to decision: life and blessing or death and cursing	<u>30:1–20</u>

The outer frame in this structure moves from the presentation of liturgies for public worship within the context of the pilgrimage festivals in the promised land (26:1–19) to the great summons to decision—to choose life and the blessing of the covenant rather than death and its curses (30:1–20). The inner frame moves from the account of the renewal of the covenant at Shechem in the days of Joshua (27:1–26) to an appeal for covenant faithfulness addressed to future generations (29:1–28). The center of this structure is the blessings and curses of the covenant itself (28:1–69 [Eng. 28:1–29:1]), which includes the ponderous and depressing reiteration of the details of future disaster if the terms of the covenant are not observed (28:20–68).

The next step in our analysis of the structure of Deut 26–30 is to outline each of the two weekly portions in the same manner:

Outline of Reading 7: Public Worship and Covenant Renewal (26:1–29:8 [Eng. 29:9])

A Public worship at the annual festivals in the promised land	<u>26:1–19</u>
B Renewal of the covenant at Shechem	<u>27:1–26</u>
X Covenant blessings for obedience and curses for disobedience	

B Warning of future disaster for breaking the covenant	<u>28:1–19</u>
	<u>28:20–69</u>
A' Remembering the past: the basis of the covenant spelled out	<u>29:1–8</u>
<i>Outline of Reading 8: Appeal for Covenant Loyalty (29:9 [Eng. 10]–30:20)</i>	
A Covenant ceremony in Moab under Moses	<u>29:9–20</u>
B Aftermath of punishment—conclusion to Moses' warning	<u>29:21–28</u>
X Conclusion: observe the words of this Torah	<u>29:28</u>
B The possibility of restoration	<u>30:1–10</u>
A' Conclusion of the summons to the covenant	<u>30:11–20</u>

The two centers in this reading of Deut 26–30 focus attention on the covenant blessings and curses (28:1–19), and the summary command to observe the words of this Torah, which is presented in the form of a riddle: “The secret things belong to YHWH our God, and the revealed things to us and to our children forever—to do all the words of this Torah” (29:28). The plain meaning of the text refers to its immediate context, which speaks of national disaster as a consequence of disobedience to YHWH's commandments. But at the same time, as Labuschagne has shown, “it has another message: the concealed things, the esoteric knowledge with regard to the written text of the law, the sacred numerical structures, are for the benefit of God, to his glory, but the text of the law in its straight, plain language is for the benefit of the people. It is a coded message to the ordinary people, to the uninitiated, who do not know the hidden intricacies of the text, to obey the law in its plain meaning” (“Divine Speech in Deuteronomy,” in *SBTS* 3:388–89). The content of that revealed truth is what is contained in the Deuteronomic code of law (Deut 12–26), or what I have called here the “central core” of Deuteronomy.

Another way of reading this section of Deuteronomy is to divide each of these halves in half, to find “four wheels of the same likeness” with another single summary verse (28:69) at the center:

A Public Worship at the Festivals in the Promised Land	<u>26:1–19</u>
a Worship by offering God the firstfruits	<u>26:1–4</u>
b Liturgy declaration at presentation of firstfruits	<u>26:5–9</u>
x True religion providing for Levites, aliens, etc.	<u>26:10–11</u>
b' Liturgy declaration at presentation of triennial tithe	<u>26:12–15</u>
a' Worship and mutual commitments between God and his people	<u>26:16–19</u>
B The Covenant Blessings and Curses	<u>27:1–28:68</u>

a Renewal of the covenant at Shechem	<u>27:1–26</u>
b Covenant blessings and curses	<u>28:1–19</u>
x First expanded description of future disasters	<u>28:20–37</u>
b' Second expanded description of future disasters	<u>28:38–57</u>
a' Undoing of blessings—final reversal of Israel's history	<u>28:58–68</u>
X Summation: “These are the words of the covenant”	<u>28:69</u>
B' The Covenant Is for Future Generations Too	<u>29:1–28</u>
a Moses reviews the basis of the covenant	<u>29:1–8</u>
b Moses reminds the people of the purpose of the assembly	<u>29:9–12</u>
x The covenant is for future generations as well	<u>29:13–14</u>
b' Moses warns of consequences for breaking the covenant	<u>29:15–27</u>
a' Conclusion: “Do all the words of this Torah!”	<u>29:28</u>
A' The Terms of the Covenant Are Doable <u>30:1–20</u>	
a The possibility of restoration is there	<u>30:1–5</u>
b When you seek to purify yourselves you will receive help	<u>30:6–10</u>
c This instruction is not beyond your reach	<u>30:11</u>
b' God's requirements are known, understandable, and doable	<u>30:12–14</u>
a' Call to decision: life and blessing or death and cursing	<u>30:15–20</u>

The four centers, together with the summary statement in 28:69, that emerge in this reading tell the basic story of Deut 26–30. A brief summary of the nature of “true religion” in the promised land, in which the needs of “the Levite and the sojourner in your midst” are met (26:10–11), is set over against the assurance that “this commandment that I command you today is not too hard for you” (30:11)—this instruction is not beyond your reach, it is doable. The words of the covenant are the words that YHWH commanded Moses in the land of Moab, in addition to the covenant he made with them at Mount Sinai (28:69). The centers of sections B and B' move from an expanded description of future disasters in the wake of covenant violation (28:20–37) to the declaration that the terms of the covenant apply for future generations as well (29:13–14).

The implication is clear: the terms of YHWH's covenant stand for all time—including the covenant renewal celebration under Joshua at Shechem (with YHWH's altar on Mount Ebal), and in the more distant future on Mount Zion. Though Israel and

their king will ultimately suffer exile from the promised land for disobedience (28:36–37), the covenant stands forever: “I am making this covenant, sworn by an oath, not only with you who stand here with us today before YHWH our God, but also with those who are not here with us today” (29:13–14).

A. Preview: Two Liturgies for Worship in the Promised Land (26:1–15)

1. Liturgy of Firstfruits at the Central Sanctuary (26:1–11)

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Translation and Prosodic Analysis

Liturgy of Firstfruits at the Central Sanctuary [(7:7):(5:5):(7:7)]
[(5:3):6:(5:5):(4:4):(5:5):6:(3:5)]

¹ And it shall be / when you come into the land /	17	2
that \ YHWH your God / is giving you / as an inheritance //	21	3
and you possess it / and you dwell in it //	13	2_
² And you shall take /	6	1
from the first / of [all] the fruit of the ground /	16	2
that you shall bring from your land /	11	1
That YHWH your God / is giving to you /	17	2

	<i>and you shall put it in a basket //</i>	<u>7</u>	1_
	<i>And you shall go \ to the place /</i>	12	1
	<i>that YHWH your God / chooses /</i>	13	2
	<i>to make his name dwell / there //</i>	9	2_
3	<i>And you shall come / to the priest /</i>	12	2
	<i>who is there / in those days //</i>	13	2
	<i>and you shall say to him /</i>	<u>10</u>	1_
	<i>“I declare TODAY / to YHWH <my> God /</i>	16	2
	<i>that I have entered / the land /</i>	12	2
	<i>that YHWH <my God /> swore to our fathers / to give to</i>	<u>27</u>	3_
	<i>us” //</i>		
4	<i>And the priest shall receive / the basket / from your hand<s> //</i>	18	3
	<i>and he shall put it / before / the altar / of YHWH your</i>	<u>20</u>	4_
	<i>God //</i>		
5	<i>And you shall answer and say / before / YHWH your God /</i>	23	3
	<i>“A wandering Aramean / was my father /</i>	12	2
	<i>And he went down to Egypt /</i>	8	1
	<i>and he sojourned there / few in number //</i>	<u>13</u>	2_
	<i>And there he became / a great nation /</i>	13	2
	<i><indeed> mighty and populous //</i>	9	1
6	<i>And the Egyptians / treated us badly /</i>	17	2
	<i>and they afflicted us //</i>	<u>7</u>	1_
	<i>And they imposed upon us / hard servitude //</i>	20	2
7	<i>and we cried out / to YHWH / God of our fathers //</i>	19	3
	<i>And YHWH heard / our voice /</i>	13	2
	<i>and he saw our affliction / and our toil / and our distress //</i>	<u>25</u>	3_
8	<i>And YHWH brought us forth / from Egypt / with a mighty hand /</i>	24	3
	<i>and an outstretched arm /</i>	11	1
	<i>And with great / terror //</i>	10	2
	<i>and with signs / and with portents //</i>	<u>13</u>	2_
9	<i>And he brought \ us to this place //</i>	14	1
	<i>and he gave to us \ this land /</i>	16	1
	<i>a land / flowing with milk / and honey //</i>	13	3_
10	<i>And now / behold I have brought \ the firstfruits /</i>	18	2
	<i>fruit of the ground / that you have given to me / O</i>	<u>22</u>	3_
	<i>YHWH” //</i>		
	<i>And you shall put it down / before \ YHWH your God /</i>	17	3
	<i>and you shall bow down / before / YHWH your God //</i>	<u>19</u>	3_
11	<i>And you shall celebrate all the bounty /</i>	10	1

<i>that YHWH your God / has given to you /</i>	15	2
<i>And to your house // you / and the Levite /</i>	15	3
<i>and the sojourner / who is in your midst // ם</i>	<u>10</u>	<u>2</u>

Notes

- 1.a. Reading *paštā*’ followed by *zāqēp qātôn* as conj.
- 2.a. Omitting **כל**, “all,” with some Heb. MSS, SP, and LXX.
- 2.b-b. Omitted in most LXX witnesses. Prosodic analysis supports MT.
- 2.c. Reading *paštā*’ followed by *zāqēp qātôn* as conj.
- 3.a. For MT **אלהיך**, “your God,” reading **אלהי**, “my God,” with LXX τῷ θεῷ μου, “to my God”; I take the **ך** as dittography.
- 3.b. Adding **אלהי**, “my God,” to achieve balance in terms of mora count and word count within the larger context of 26:1–19 and 11:26–26:19 as a whole (see *Excursus*: “Deuteronomy as a Numerical Composition”). Syr. adds *lhk* (= **אלהיך**, “your God”).
- 4.a. Reading **מידיך**, “from your hands,” for MT **מידך**, “from your hand,” with a few Heb. MSS and LXX^{MS}.
- 5.a-a. LXX reads Συριαν ἀπέβαλεν, “he left Syria”; LXX^{MNmin} read Συριαν κατέλειπεν, “he left Syria”; a few Heb. MSS and Cairo Geniza fragments read **ארמי אובד**, “a wandering Aramean.” The familiar translation “a wandering Aramean” (MOFFATT, JB, NRSV, NIV, and New Living Translation [(Wheaton, IL: Tyndale House, 1996) 215]) is retained because of its own poetic quality.
- 5.b. With a few Heb. MSS, SP, LXX, Syr., *Tg. Ps.-J.*, and Vg. adding *waw*-conj., which I read as emphatic.
- 5.c-c. Omitted in Syr. Prosodic analysis favors MT.
- 8.a-a. SP reads **ובמראה גדול**, “and with great visions,” for MT **ובמרא גדל**, “and with great terror”; LXX reads pl.
- 9.a. Reading *tiḫā*’ as conj. because of misplaced *’atnāh*.
- 9.b. Reading *paštā*’ followed by *zāqēp qātôn* as conj.
- 10.a. Reading *paštā*’ followed by *zāqēp qātôn* as conj.

10.b. LXX adds γῆν ῥέουσαν γάλα καὶ μέλι, “a land flowing with milk and honey.” Prosodic analysis supports MT.

10.c. Reading *pašṭā*’ followed by *zāqēp qātōn* as conj.

11.a-a. LXX (and OL) read σὺ καὶ ἡ οἰκία σου, “you and your household”; LXX read καὶ τῆ οἰκία σου καί, “and to your household”; Cairo Geniza fragments read ולביתך, “and to your houses,” for MT ולביתך, “and to your house.”

Form/Structure/Setting

Two liturgical confessions are presented from Moses’ perspective prior to the exodus; but both presuppose possession of the land and the offering to God of the fruit of that land. The language of the first confession is archaic, and is surely premonarchic in origin. It “preserves a ceremony used in the days of the tabernacle before the erection of the temple by Solomon” (G. E. Wright, *IB* 2:483).

The outer limits of 26:1–11 are marked by the *pētūhā*’ layout marker after 25:19 and the *šetūmā*’ layout marker after 26:11. Within 26:1–11, the only discernible marker to indicate structure is the use of first-person direct speech in vv 3b and 5–10a. The declarations here and in vv 13b–15 are the only addresses to God with prescribed wording, which ordinary folk are to recite in a formal liturgical setting, to be found within the Torah (see also 21:7–9 for the closest parallel situation). Each of these two liturgical prayers is to be recited “before YHWH your God” (vv 5, 13); and each refers to the land as a gift from God in fulfillment of his promises to the fathers, a land described as “flowing with milk and honey” (vv 9, 15).

On the basis of prosodic analysis, vv 1–11 may be divided into five subunits:

A You shall bring the firstfruits to the central sanctuary	<u>26:1–2</u>
B Presentation of firstfruits to the priest with declaration	<u>26:3–4a</u>
X Presentation at the altar with recitation of <i>Magnalia Dei</i>	<u>26:4b–9</u>
B Presentation of firstfruits to YHWH by the worshiper	<u>26:10a</u>
A’ You shall put it down before YHWH and rejoice	<u>26:10b–11</u>

In the center of this structure (vv 4b–9), we find the recitation of what G. von Rad designated the “small historical credo,” or what G. E. Wright called the *Magnalia Dei* (“the mighty acts of God”). The outer frame moves from the instructions to bring the firstfruits to the central sanctuary (vv 1–2) to instructions regarding “family worship” at the central sanctuary, which includes the household of the worshiper “and the Levite and the sojourner who is in your midst” (v 11). The inner frame moves from the individual worshiper’s presentation of “the basket” containing the firstfruits, which is received from his hand by the priest in charge at that time (vv 3–4a), to the presentation of the firstfruits themselves to YHWH (v 10a). Both of these presentations are followed by specific prayers that the worshiper recites within that liturgical setting.

The law in 25:17–19 (on remembering Amalekite aggression) was used to shape the narrative of Exod 17, shortly before the Israelites arrived at Mount Sinai. The time span in the narrative from the completion of the building of the tabernacle in Exod 40:33,

with its menorah, to the departure from Mount Sinai in Num 10:11 was exactly one month. The law of the firstfruits ceremony in Deut 26:1–11 is reflected in the stories of Num 13–14 at the beginning of the forty years on the edge of the promised land, where once again we meet the Amalekites. In the so-called unholy war, when the Israelites attempted to enter the promised land against the advice of Moses, following the episode with the twelve spies (Num 13) who brought back with them some of the firstfruits of the promised land (Num 13:23–24), “the Amalekites and the Canaanites who lived in that hill country came down and defeated them, pursuing them as far as Hormah” (Num 14:45 NRSV; cf. 14:25). “Now it was the season of the first ripe grapes” (Num 13:20 NRSV) when the spies entered the land; “and they came to the Wadi Eshcol, and cut down from there a branch with a single cluster of grapes, and they carried it on a pole between two of them. They also brought some pomegranates and figs” (Num 13:23 NRSV). Carmichael notes that, “As in Exod 16:3 (related to the law on weights and measures) and Exod 17:3 (related to the law on Amalek), so the Israelites had complained that God’s aim was to destroy them (Num 14:3). Their failure to proceed did invoke God’s wrath: the complainers were to be denied entry to the land in the future. Paying no attention to this pronouncement, they decided to invade but were defeated by the Amalekites and the Canaanites” (*LNB*, 306).

The law in Deut 26:1–2 states explicitly, “when you come into the land that YHWH your God is giving you, ... you shall take from the first of [all] the fruit of the ground ... and you shall put it in a basket, and you shall go to the place that YHWH your God chooses to make his name dwell there.” There they were to declare, “I have entered the land that YHWH swore to our fathers to give to us; and the priest shall receive the basket from your hand” (vv 3–4). When the twelve spies returned with their firstfruits, they presented them to Moses and Aaron, the first Israelite priest, and to all the congregation of Israel. Moreover, as Carmichael puts it (*LNB*, 306), “There was no altar there but, perhaps significantly ... the incident happened at a place whose name means ‘sanctuary,’ Kadesh.”

The law in Deut 26:5–9 then directs the Israelites to make another declaration about YHWH’s activity in their behalf from the time of their ancestor Jacob to the present. Carmichael presents impressive arguments to relate this passage to a subsequent attack at Kadesh forty years later on the part of the Edomites (Num 20). Driver also discusses common features of these two incidents at Kadesh in Num 13–14 and 20 ([1896] 31–33). Moreover, as Carmichael observes, “the Edomites and the Amalekites are related (Gen 36:12). Their attacks upon the Israelites are similar to those conflicts between brothers that have been a dominant element in the immediately preceding laws” (*LNB*, 307). In Num 20:3–5 we find the same complaints on the part of the people that were observed earlier in Num 14:3. Indeed, they make specific reference to the previous occasion at Kadesh “when our kindred died before the LORD” (Num 20:3 NRSV; cf. Num 14:36–37). Once again in the wilderness they face the same plight: “It is no place for grain, or figs, or vines, or pomegranates; and there is no water to drink” (Num 20:5 NRSV). Moreover, as was the case in Exod 17 in the incident with the Amalekites, water was provided to them from a rock (Num 20:11).

The structure and content of the speech of “your brother Israel” to the king of Edom in Num 20:14–17, which is patterned after that of the declaration in Deut 26:5–10, may be outlined as follows:

A You know our adversity, for our ancestors went to Egypt

Num 20:14

B The Egyptians oppressed us and our ancestors

Num 20:15

- X We cried to YHWH and he heard our voice Num 20:16a
- B He sent an angel and brought us out of Egypt to Kadesh Num 20:16b
- A' Now let us pass through your land Num 20:17

The focus of attention in this structure is on the exodus from Egypt, as the people cried out to YHWH in their distress and he heard them (v 16a). The inner frame moves from the oppression in Egypt (v 15), to the original “Passover” when YHWH brought them out of Egypt (v 16b). The outer frame moves from a presentation of their past plight, which took the ancestors to Egypt (v 14), to the present request for permission to pass through the land of Edom en route “home” to the promised land (v 17).

The structure of the above speech to the king of Edom is virtually identical to that of the worshipping Israelite in the liturgy of firstfruits at the central sanctuary in Deut 26:5–9, which may be outlined as follows:

- A A wandering Aramean was my father, who went down to Egypt Deut 26:5
- B The Egyptians oppressed us Deut 26:6
- X We cried to YHWH and he heard our voice Deut 26:7
- B YHWH brought us forth from Egypt with a mighty hand Deut 26:8
- A' And he brought us to this place Deut 26:9

The only real difference in the two outlines is the second half of the outer frame. In the first instance (Num 20:17), the desire is to pass through the one remaining territorial obstacle (Edom) that separates the people of Israel from the place that YHWH has chosen to establish his name (Deut 26:9).

Buber calls attention to a sevenfold repetition of the verb **נתן**, “to give,” in the instruction and prayer presented here in 26:1–11 (*On the Bible*, 125), which may be outlined as follows:

- A When you enter the land YHWH *is giving* (**נתן**) to you 26:1
- B Bring from the land YHWH *is giving* (**נתן**) to you 26:2
- C I have entered the land YHWH *swore to give* (**לתת**) to us 26:3
- X The Egyptians imposed (“*gave*,” **ויתנו**) on us hard servitude 26:6
- C' YHWH brought us to this place and *gave* (**ויתן**) us this land 26:9

B I have brought the firstfruits you *have given* (נתתה) to me

26:10

A' You shall celebrate the bounty YHWH *has given* (נתן) to you

26:11

“In the first three and last three cases it is used of God’s gift to Israel; between the two groups of three, however, there is a strange ‘giving,’ ... it is the Egyptians, who ‘gave us hard bondage’ (Deut. 26:6)” (Buber, *On the Bible*, 125). The outer frame in this concentric structure moves from a statement about the future when YHWH gives Israel its land (v 1) to the injunction to celebrate that gift in public worship (v 11). The second frame moves from a command to bring the firstfruits of the land (v 2) to the response of the individual landowner that he has brought the firstfruits to YHWH (v 10). The innermost frame (vv 3, 9), together with the center (v 6), connects the present act of worship with YHWH’s mighty acts in times past when he delivered Israel from the “hard servitude” that Egypt had *given* them, and brought them to the promised land.

Buber also calls attention to the “twice seven times” use of the name of God in this short passage, which displays carefully structured patterning as well. For him, “this working with numbers on the part of the author or the editor has a didactic purpose” (p. 128). The structure may be outlined in a menorah pattern:

A יהוה אלהיך ... יהוה אלהיך ... יהוה אלהיך

26:1–2

B ליהוה אלהיך

26:3a

C יהוה

26:3b

X יהוה אלהיך ... יהוה אלהיך

26:4–5

C' יהוה אלהי אבותינו

26:7a

B יהוה ... יהוה ... יהוה

26:7b–10a

A' יהוה אלהיך ... יהוה אלהיך ... יהוה אלהיך

26:10b–11

The structural frame (A, X, A') consists of the three clusters of the eight occurrences of the words “YHWH your God”—three in each half of the outer frame (vv 1–2, 10–11), and two in the center (vv 4–5). The innermost frame sets the first occurrence of “YHWH” alone (v 3) over against the phrase “YHWH God of our fathers” (v 7). The second frame sets a ninth occurrence of the name “YHWH your God,” to which the preposition “to” is attached (v 3), over against a threefold repetition of the name “YHWH” alone (vv 7–10). The three-plus-one patterning is also evident here in two different ways: the single word יהוה in v 3 is set over against three words יהוה אלהי

אֲבֹתֵינוּ in v 7, and the expression לִיהוָה אֱלֹהֶיךָ in v 3 is set over against a group of three occurrences of יְהוָה in vv 7–10.

Buber observes that a mishnaic report (*m. Bik. 3*) of how the offering of firstfruits was celebrated reads as though the intention was

to preserve something lost and past for the memory of future generations. We hear how the people from the surrounding country come to Jerusalem with first fruits, those living close at hand with fresh fruits, those far away with dried. In the early morning the procession enters the city headed by pipers, then the sacrificial bull with gilded horns, and behind it the men, bearing baskets filled with fruits and garlanded with grapes, each according to his wealth, golden baskets, silver baskets, and baskets woven from stripped willow-twigs. The artisans of Jerusalem come out to meet them, greeting those from each place in turn: “Brothers, men from the place of such-and-such a name, may you come in peace!” But when they stood by the temple hill the king himself took his basket on his shoulders and entered in with them. In the forecourt the Levites sang the verse from the Psalms: “I will exalt Thee, YHWH, for Thou hast drawn me up.” The verb described the lifting of the bucket from the well... the quotation comes to mean: “Israel gives thanks to God for raising it from the well of Egypt into the daylight and freedom of its own land.” (*On the Bible*, 129–30)

The evidence assembled by Labuschagne on the use of the divine-name numbers in 26:1–11 may be summarized as follows:

Words:	before 'atnāḥ		after 'atnāḥ		
<u>26:1–2</u>	26	+	13	=	39
<u>26:1–4</u>	37	+	34 (= 2 × 17)	=	71
<u>26:5–11</u>	56	+	46	=	102 (= 6 × 17)
<u>26:1–11</u>	93	+	79	=	172

There are 26 words before 'atnāḥ in vv 1–2, 34 (= 2 × 17) words after 'atnāḥ in vv 1–4, and a total of 102 (= 6 × 17) words in vv 5–11. The total of 172 words in 26:1–11 is

explained by Labuschagne as the numerical value of the key phrase אֲתֵרֵאשִׁית פְּרִי

הָאֲדָמָה, “the firstfruits of the ground,” in v10: (א = 1) + (ת = 22) + (ר = 20) + (א = 1) + (ש = 21) + (י = 10) + (ת = 22) + (פ = 17) + (ר = 20) + (י = 10) + (ה = 5) + (א = 1) + (ד = 4) + (ם = 13) + (ה = 5) = 172.

Comment

1 Buber observes that the opening instruction of this section, “when you come into the land [כִּי־תָבוֹא אֶל־הָאָרֶץ] that YHWH your God is giving you as an inheritance,” appears only here and in 17:14, the law of the king (*On the Bible*, 122–23). In 17:14 the people of Israel as a whole are addressed as “you,” but here the pronoun refers to the

individual landowner as a member of that community, when he appears before YHWH at the central sanctuary with his offering from the firstfruits of the land.

2 The offering of “the first of [all] the fruit of the ground” acknowledges that God is the source and true owner of the land’s produce. On the meaning of the term ראשית, “first,” see the *Comment* on 18:4, where I interpret the term as the “first processed,” and not the first ripe or first harvested crops in their natural state (with J. Milgrom, “First Fruits, OT,” *IDBSup*, 336–37). The firstfruits of the new harvest were to be placed “in a basket” (בטנא) and brought “to the place that YHWH your God chooses to make his name dwell there” (i.e., the central sanctuary).

3–4 The offering was to be presented “to the priest who is there in those days” as an act of public worship, within the context of the annual pilgrimage festivals. The first words that the landowner was to speak to the priest show that the dual reference to “you” (pl. and sg.) that Buber observed in v 1 is not accidental: “I declare today to YHWH my God that I have entered the land.” As Buber put it, “Here the people and the individual are merged into one.... The speaker identifies himself with Israel and speaks in its name” (*On the Bible*, 123). Cf. 5:2–3, where Moses says: “The Lord our God has made a covenant with us on Horeb. The Lord made not this covenant with our fathers, but with us, even us, who are all of us here alive this day” (translation of Buber, p. 124).

The firstfruits were to be presented at the Feast of Weeks and at the Feast of Booths, the two festivals that followed the harvests and the processing of their products. On the connection between the Feast of Weeks and the offering of the firstfruits, see Num 28:26. Unlike Passover and the Feast of Unleavened Bread, the offering of firstfruits was a new religious institution in ancient Israel, for before taking possession of the land, they were not an agricultural people. The individual worshiper was instructed to make a public declaration—“and the priest shall receive the basket from your hand.” According to Philo, the word translated “basket” (טנא) refers to the entire ceremony (see Tigay [1996] 239). On the presentation of these firstfruits, see also 18:4–5, which as noted above is located precisely in the center of the central core of Deuteronomy within what I have called the law of the Levites (18:1–8).

5 The liturgical declaration of the individual worshiper at the central sanctuary is in the form of a prayer addressed in the first person to God, which is somewhat analogous to the use of the Lord’s Prayer in Christian worship through the ages. The meaning of the Hebrew phrase אבד ארמי is not certain. The translation of אבד as “ready to perish” in KJV still has its advocates. Others suggest “straying” or “fugitive.” The translation “wandering Aramean” retains the alliterative quality of the original Hebrew expression and can be understood in poetic fashion to include all of the above options. Buber interprets the word “gone astray” as pastoral language (*On the Bible*, 127), “used when a sheep has lost the flock to which it belongs (Jer. 50:6; Ezek. 34:4, 16; Psalm 119:176).” He called attention to “the same words and with the same meaning, though in quite a different tone of voice,” when Abraham (whom Buber describes as a “lost Aramean”) told the king of the Philistines about his life: “And it came to pass, when God caused me to go astray [התעו אתי] from my father’s house” (Gen 20:13). “This clause is probably very ancient, for it is unlikely that Israelite tradition would have chosen to describe Israel’s ancestors as ‘Arameans’ once the Arameans of Damascus became aggressive toward Israel in the ninth century B.C.E.” (Tigay [1996] 240). (On the “Proto-Aramean” origins of the patriarchs, see J. C. L. Gibson, “Light from Mari on

the Patriarchs,” *JSS* 7 [1962] 44–62, esp. 51–53; idem, *JNES* 20 [1961] 217–38, esp. 229–34.) The reference here is to the ancestor Jacob, who went down into Egypt as an old man (Gen 47:9), with perhaps an allusion to Abraham as well, as Buber has observed. And “he sojourned there”—that is, he lived as a resident alien, which stands in sharp contrast with the status of the worshiper who is making his declaration at the central sanctuary in the land of Israel. On the meaning of the phrase “few in number,” see the list of the seventy people in Jacob’s family “who came into Egypt” in Gen 46:8–27. From that small beginning, Israel “became a great nation, mighty and populous” in the land of Egypt.

6–9 The second part of the confession spells out what happened, as “the Egyptians ... imposed upon us hard servitude” so that the people “cried out to YHWH,” who “heard our voice and ... brought us forth from Egypt” in the great exodus with its awesome displays of God’s power to bring them to the promised land, “a land flowing with milk and honey.” Buber notes that no peasant farmer would describe the land of his desire in this way. When the peasant praises his land, he says: “A land of wheat and barley and vines and fig trees and pomegranates” (8:8). For Buber, “The saying refers to representative products that the land offers to the newcomer without the need of any effort on his part: milk, into which the energy of the rich pastures, as it were of one tremendous oasis, is converted and honey for the refreshment of passers-by” (*On the Bible*, 125–26).

10–11 In the eyes of some translators and interpreters, past and present, the statement “you shall put it down before YHWH” is not consistent with v 4, where the offering has already been placed “before the altar of YHWH.” Rather than resort to some sort of redactional interpretation that posits conflation of alternative versions, it is best to note the concentric nature of the literary structure that alternates between description of worship and liturgical declaration. Both references are to the same act, which functions as a literary inclusion around the declaration in vv 5–9. The translation “you shall celebrate all the bounty” refers to the pilgrimage festival itself, which includes a celebratory meal at the sanctuary, much like what takes place today in the annual pilgrimage to Mecca in Islam. It should be noted, however, that the firstfruits were deposited in the central sanctuary for the priests (18:4–5). It was the annual tithe that was consumed by the worshiper and his extended family in the pilgrimage festivities at the central sanctuary. The translation “sojourner” for גַּר (normally part of the familiar triad: “alien,” orphan, and widow) is an attempt to call the reader’s attention to the inclusion it forms with גַּרְיָ, “he sojourned,” in v 5, for both words come from the same verbal stem.

The prosodic analysis suggests that the *’atnāh* in v 11 does not represent the major break in that verse from a rhythmic point of view, and that the word translated “and to your house(hold)” is defined by what follows. In short, the Levite and the resident alien in our midst are part of our household so far as God is concerned.

Explanation

Individual worshipers in ancient Israel were instructed to present a basket of firstfruits of the harvest to God every year. The firstfruits in question are not to be equated with the so-called wave offering, when one “first put the sickle to the standing grain” (16:9) in early spring, which took place on the day after the Sabbath following the Festival of Unleavened Bread and Passover (Lev 23:10). That presentation of the firstfruits of the new barley crop was ceremonial in nature, in anticipation of the barley

and wheat harvests to be completed in the next seven weeks. It marked the beginning of the countdown of forty-nine days (seven weeks) to the Feast of Weeks at which time the liturgy of 26:1–11 was presented in the ceremony of the presentation of firstfruits at the central sanctuary.

The basket of firstfruits was a token payment of the tithe, which was presented when the harvest was completed. The firstfruits of summer and fall produce were presented in like manner at the Festival of Booths (Sukkoth) in the fall. The presentation of firstfruits was a thanksgiving offering that the worshiper brought to the central sanctuary to “celebrate all the bounty that YHWH your God has given to you and to your house” (v 11).

The confession of faith that every worshiper recited before the priest at the altar explains the meaning of the ceremony. Before the basket was placed in front of the altar, the one offering sacrifice began his presentation with an acknowledgment that he has “entered the land that YHWH swore to our fathers to give to us” (v 3). The basket was then taken by the priest, who placed it before the altar (v 4), as the worshiper continued his confession of faith, recalling the bitter experience of slavery in Egypt from which God delivered them “with a mighty hand and an outstretched arm and with great terror and with signs and with portents” to bring them “to this place ... a land flowing with milk and honey” (vv 8–9). The worshiper then declared that he had brought the firstfruits to YHWH and bowed down in worship there at the altar (v 10). When the service was completed, the offerer was charged to “celebrate all the bounty that YHWH your God has given to you” in a feast, which included the worshiper’s entire household, along with “the Levite and the sojourner” (v 11). It is good that we should be cheerful in the presentation of our gifts and dues to God for his provision, and that we should enjoy the use of them in fellowship with our family, those committed to God’s work, and those in our midst who are in special need.

2. Declaration of the Triennial Tithe (26:12–15)

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Translation and Prosodic Analysis

Declaration of the Triennial Tithe at Local Sanctuaries [(5:5):(6:4):(4:6):(5:5)]

12	<i>When you finish / tithing / all the tithe of your produce /</i>	18	3
	<i>in the third year / the year of the tithe //</i>	18	2_
	<i>You shall give it to the Levite /</i>	11	1
	<i><and> to the alien / <and> to the orphan and to the widow /</i>	18	2
	<i>that they may eat in your towns / and they may be satisfied //</i>	<u>18</u>	2_
13	<i>And you shall say / before YHWH your God /</i>	17	2
	<i>“I have purged the sacred portion out of the house /</i>	12	1
	<i>And also I have given it to the Levite /</i>	11	1
	<i>and to the alien / to the orphan and to the widow /</i>	17	2_
	<i>According to all your commandment / that you commanded me //</i>	16	2
	<i>I have not passed over any of your commandments /</i>	13	1
	<i>indeed I have not forgotten //</i>	<u>10</u>	1_
14	<i><And> I have not eaten any of it / as my own wealth /</i>	17	2
	<i>and I have not purged any of it / while unclean /</i>	16	2_
	<i>And I have not given any of it \ to the dead //</i>	15	1
	<i>I have hearkened / to the voice \ of YHWH my God /</i>	16	2
	<i>I have done / according to all / that you commanded me //</i>	<u>18</u>	3_
15	<i>Look down from your holy habitation / from the heavens /</i>	18	2
	<i>and bless your people / Israel / and \ the ground /</i>	19	3_
	<i>Which you have given \ to us //</i>	10	1
	<i>just as you swore \ to our fathers /</i>	15	1
	<i>a land / flowing (with) milk / and honey //</i> ס	<u>14</u>	3_

Notes

12.a. Prosodic analysis supports MT לְעִשָּׂר, “tithing,” as the irregular inf. constr. rather than the emendation to לְעִשָּׂר, “to tithe,” suggested by *BHS*.

12.b-b. LXX reads the clause τὸ δεῦτερον ἐπιδέκατον δώσεις, “the second tithе you shall give” (= שנת המעשר נתתה).

12.c. Adding *waw*-conj. with some Heb. MSS, Cairo Geniza fragments, LXX, Syr., and Vg.

13.a. LXX reads ἐκ τῆς οἰκίας μου, “out of my house.” The same meaning is conveyed without emending MT הַבַּיִת, “the house,” to בֵּיתִי, “my house,” which would add one mora to the length of the line.

13.b. Many Heb. MSS, SP, a codex of LXX, and *Tg. Ps.-J.* omit *waw*-conj.

13.c. Some Heb. MSS, LXX, Syr., and Vg. add *waw*-conj.

13.d. One LXX codex omits *waw*-conj.

13.e. One Heb. MS, SP, and Syr. read מְצוֹתֶיךָ, “your commandments.” Prosodic analysis slightly supports MT מְצוֹתְךָ, “your commandment,” with one less mora.

13.f. Cairo Geniza fragments and LXX read מְצוֹתְךָ, “your commandment.” Prosodic analysis supports MT.

14.a. Adding *waw*-conj. with a few Heb. MSS, LXX, and Syr. to achieve closer balance in mora count.

14.b. Interpreting באני with Craigie and others as meaning “strength” or “wealth” (see Comment below).

14.c. All but one of the LXX codices omit *waw*-conj.

14.d. LXX except for the Lucianic recension omits *waw*-conj.

14.e. Reading *tiphā*’ as conj. because of misplaced *’atnāh*.

14.f. Reading *paštā*’ followed by *zāqēp qātōn* here as conj.

14.g-g. LXX reads καθά, “just as” (= כאשר), for MT ככל אשר, “according to all that.” Prosodic analysis supports MT.

15.a-a. SP reads השקף for MT השקיפה, “look down,” with no change in meaning. Prosodic analysis supports MT.

15.b. Reading *paštā*’ followed by *zāqēp qātōn* here as conj.

15.c. Reading *tiphā*’ as conj. because of misplaced *’atnāh*.

15.d. Reading *paštā*’ followed by *zāqēp qātōn* as conj.

Form/Structure/Setting

The triennial cycle of Torah readings in ancient Israel is related to the tradition of a special tithe in Deuteronomy, which was presented at the end of every third year (see 14:28–29 and *Excursus: “The Triennial Cycle of Torah Readings in Palestinian Judaism”*). Since tithes were not presented in the seventh year of a sabbatical cycle, four years elapsed between the second “poor-tithe” and the first “poor-tithe” of the next cycle. According to the Mishnah the declaration of the “poor-tithe” was abolished in late Second Temple times (135–104 B.C.E.) by the high priest Yohanan Hyrcanus (Tigay [1996] 242).

The boundaries of the literary unit in 26:12–15 are marked by *sētūmā*’ layout markers at the beginning and end. The shift to first-person direct speech in v 13 serves to set the actual declaration itself off as a separate literary unit, which may be outlined in a menorah pattern:

A I have purged the sacred portion from my household	<u>26:13ab</u>
B According to all your commandment, which you commanded me	<u>26:13c</u>
C I have not forgotten	<u>26:13d</u>
X I have not purged it while unclean	<u>26:14a</u>
C’ I have obeyed the voice of YHWH my God	<u>26:14b</u>
B According to all that you commanded me	<u>26:14c</u>
A’ Look down from the heavens and bless your people Israel	<u>26:15</u>

In the outer frame of this structure the worshiper declares that he has “purged” (בערתי) the sacred portion from his household as commanded (v 13), and that it is now YHWH’s turn to come through with his promised blessing (v 15). The center reinforces the declaration as the worshiper swears he has avoided any ritual impurity that might defile his offering (v 14a). The inner frame states the case even more emphatically as the worshiper insists that he has not forgotten anything (v 13d), and that he has been obedient to the voice of YHWH his God (v 14b).

The declaration of the triennial tithe is in three parts: a positive statement in which the worshiper declares his fulfillment of the law relating to the tithe in the third year (v 13), a negative statement that affirms that the task has been carried out properly (v 14), and a prayer for God’s continued blessing on both the people of Israel and the ground that brings forth the harvest (v 15).

This law on the triennial tithe (26:12–15) shapes further details in the narrative (Num 20) of Edom’s refusal to grant Israel passage through their land (cf. Carmichael, *LNB*, 309–11). The references to “the sacred portion” (הקדש) in v 13b and “your holy habitation” (מעון קדשך) in v 15a are reflected in the statement in Num 20:1 that the people stayed “in Kadesh” (בקדש).

Comment

12 According to the law of the tithe in 14:22–27, “the tithe of your produce” was presented annually at the central sanctuary, where it was consumed by the worshiper and his household during the three pilgrimage festivals. At the end of every three years, the tithe was presented in the local towns to provide for needs of the “Levite,” the “alien,” the “orphan,” and the “widow” (see 14:28–29). The phrase “in the third year, the year of the tithe,” refers to the three-year cycle, which was repeated and then followed by the sabbatical year, when no tithe was given because no crops were planted.

13 The phrase “before YHWH” refers to God’s presence, as experienced in the context of formal worship. When such worship is at the central sanctuary during one of the three annual pilgrimage festivals, the phrase “the place where YHWH chooses to establish his name” is included in the immediate context, which is not the case here. In this instance the worshiper addressed God at a local assembly, where the triennial tithe was deposited.

14 The translation “I have not eaten ... as my own wealth [באני]” is uncertain. The word באני is sometimes rendered “while in mourning.” The reading here is based on that of Craigie, “in my own wealth” ([1976] 323), using the arguments of Fohrer (FS *D. Winton Thomas*, 98). Though Galling has described the following three negative statements as a confession of innocence by which the individual declares his fitness to participate in formal worship (ZAW 47 [1929] 125–30), Mayes has correctly shown that ritual purity is not the primary focus in this instance ([1981] 336). The statement “I have not purged any of it while unclean” is necessary because of Num 19:22. The statement “I have not given any of it to the dead” refers to the common practice in antiquity of providing food and drink for the dead in Sheol. “In some graves excavated at Samaria, the capital of the northern kingdom, holes were found in the floors, similar to holes found in tombs at Ugarit, which served as receptacles for food and drink offerings to the dead. The Torah does not forbid this practice, but because contact with the dead is ritually defiling, it prohibits the use of the tithe for it” (Tigay [1996] 244; Lewis, *Cults of the Dead*, 97, 102–3). Cazelles proposed an interesting reading of the text (RB 55 [1948] 54–71), in which he interpreted the words באני and בטמא as direct objects of the verbs in the sense of “(the bread) of mourning” and “the unclean thing,” referring to a cultic meal on behalf of the god Baal, who is “the dead” (למת) here. Though his interpretation fits the context well, it remains uncertain, as Mayes has noted ([1981] 336–37).

15 According to Deuteronomy, God’s “holy habitation” (מעון קדש) is in “the heavens” and not in some building made by human beings. “The words ‘from heaven’ seem to be an explanatory appendage intended to prevent misconstruing the expression ‘holy habitation’ as referring to the sanctuary” (Weinfeld, *DDS*, 198). As Tigay notes, the prayer that God would “bless your people Israel” “is typical of prescribed prayers in Judaism: the individual does not pray on his own behalf but on behalf of the entire Jewish people or the whole human race” ([1996] 244).

Explanation

The law of the triennial tithe appears in 14:28–29, which stipulates that every three years the tithe was to be used locally “in your towns” (14:28;26:12). The principle behind the law of the triennial “poor-tithe” remains applicable: we are commanded to

give of our means to assist the poor. It would be well if worshipers today faced a public moment of accountability in such matters, as did the people of ancient Israel.

B. Mutual Commitments between God and Israel in Covenant Renewal (26:16–19)

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Translation and Prosodic Analysis

Mutual Commitments between God and Israel in Covenant Renewal [(8:7):7:8]

¹⁶ THIS DAY / YHWH your God commands you to do /	22	2
these statutes / and the judgments //	18	2
And you shall be careful to do / them / with all your heart /	22	3
and with all your soul //	7	1_
¹⁷ YHWH you have declared / TODAY //	11	2
to be your God / and to walk in his ways /	21	2
And to keep his statutes and his commands /	14	1
and his judgments / and to hearken to his voice //	17	2_
¹⁸ And YHWH / has declared you TODAY /	13	2
to be his / treasured people /	11	2
As he has spoken [דבר] to you //	7	1
so keep \ all his commandments //	10	1
¹⁹ so that he will set you high /	9	1_

<i>Above all the nations / that he has made / for praise /</i>	17	3
<i>and for fame and for honor //</i>	10	1
<i>And for you to be a holy people /</i>	11	2
<i>to YHWH your God / just as he has spoken [דבר] // ס</i>	<u>16</u>	2_

Notes

17.a. In *BHS* Hemple argues that the text of vv 17–19 has been disordered and suggests rearrangement. Prosodic analysis supports the text as received in MT.

17.b-b. The term **ומשפטיו**, “and his judgments,” is omitted in one Heb. MS, SP, and LXX. The prosodic analysis here supports MT.

18.a. See *Note 17.a.*

18.b. Some LXX texts read γενέσθαι σε, “that you should be” (= **להיותך**), which appears to be an interpretive gloss. Prosodic analysis supports MT.

18.c. The term **לך**, “to you,” is omitted in one Heb. MS and some LXX witnesses. *Tg. Ps.-J.* reads pl. suff. The prosodic analysis supports MT.

18.d. Reading *tiphā'* as conj. because of the misplaced *sillûq*.

19.a. See *Note 17.a.*

19.b. The conjunction is omitted in some Heb. MSS, SP, and LXX, which is possible in terms of the prosodic analysis presented here.

19.c. Reading *metheg* plus *dargā* on **ולהיתך**, “and for you to be,” as disj. Letteris has two *methegs* on this word.

Form/Structure/Setting

G. E. Wright says vv 7–18 “are couched in formal, legal phraseology so that the people can have no doubt of the binding nature of the pact which they have entered” (*IB* 2:488). The power of these concluding injunctions in the laws of Deuteronomy is apparent to anyone who takes the time and effort to read the words out loud.

The text here is divided into two parts that present mutual commitments made between the people of Israel (vv 16–17) and YHWH their God (vv 18–19). The beginning of each section is marked by temporal terms (“this day” and “today”) that suggest that we are dealing with ritual activity that is repeated (i.e., brought into the cultic present). The first section is framed by repetition of the words “statutes” and “judgments” (vv 16 and 17), whereas the second is framed by the parallel expressions “his treasured people” (v 18) and “a holy people to YHWH your God” (v 19).

The carefully constructed two-part unit of thought in vv 16–19 functions as the center of a concentric structure that connects the two halves of the inner frame of Deuteronomy:

Deut 26:16–19 as the Connecting Link for the Inner Frame

A Blessing and curse in a covenant renewal under Moses	<u>11:26–28</u>
B Blessing and curse in a covenant renewal at Shechem	<u>11:29–32</u>
X Mutual commitments made between YHWH and Israel	<u>26:16–19</u>
B Blessing and curse in a covenant renewal at Shechem	<u>27:1–26</u>
A' Blessing and curse in a covenant renewal under Moses	<u>28:1–69</u> (Eng. <u>29:1</u>)

The final two paragraphs in Deut 11 both deal with the matter of blessings and curses in the context of covenant renewal, with an important distinction. In 11:26–28 the focus is in the present with Moses on the plains of Moab; but in 11:29–32 the focus shifts to a time in the future, “when YHWH your God brings you into the land that you are about to enter to possess it, then you shall put the blessing on Mount Gerizim and the curse on Mount Ebal” (11:29).

In the second half of the inner frame, the situation is reversed. Deut 27 concerns the future: “in the day when you cross over the Jordan into the land that YHWH your God is giving to you, and you shall set up for yourselves great stones and ... plaster them with plaster” (27:2). The words of the Torah are to be written on these stones, and the people are commanded to set them up on Mount Ebal (27:4). At that time, the tribes shall be assembled “to bless the people on Mount Gerizim” and “for the curse on Mount Ebal” (27:12–13). In Deut 28 the focus shifts back to the present with Moses calling the people of Israel to decision by announcing the blessings that accompany obedience and the curses that fall on disobedience to YHWH’s commandments.

The center in the above structure becomes the final paragraph in Deut 26, which functions as the conclusion to the exposition of the statutes and ordinances in Deut 12–26, and the connecting link between Deut 11 and 27. At the same time, it is also a connecting link within another concentric structure that links the central core (Deut 12–26) and the section on the covenant ceremony in Deut 27–30:

Deut 26:16–19 as the Connecting Link with the Central Core

A Ceremony of the firstfruits—first year in the land	<u>26:1–11</u>
B Tithe declaration—every three years in the land	<u>26:12–15</u>
X Mutual commitments between God and Israel	<u>26:16–19</u>
B Future covenant renewal at Shechem (every seven years)	<u>27:1–26</u>
A' Present covenant renewal in Moab under Moses	<u>28:1–69</u> (Eng. <u>29:1</u>)

On either side of the summary statement about the mutual commitments between God and Israel we find two separate descriptions of liturgical activity. The outer pair in this structure focuses on the present (or the immediate future, under Joshua), with a renewal of the covenant under Moses in the plains of Moab (Deut 28:1–69) set over against the firstfruits ceremony that the people are commanded to observe in the promised land, “When you have come into the land that YHWH your God is giving you as an

inheritance and you possess it” (26:1). The first half of the inner pair in this structural unit focuses on the payment of “the tithe of your produce in the third year (the year of the tithe), you shall give it to the Levites, to the alien, to the orphan, and to the widow, that they may eat in your towns and they may be satisfied” (26:12). The other half is concerned with the regular renewal of the covenant to be carried out at Shechem, in which the twelve tribes take their stand on Mount Gerizim and Mount Ebal to proclaim the blessings and curses—in times to come.

The evidence assembled by Labuschagne on the use of the divine-name numbers in 26:16–19 within its larger literary context may be summarized as follows:

Words:	before <i>'atnāḥ</i>	after <i>'atnā</i> <i>ḥ</i>						
<u>26:12–15</u>	56		+	28	=	84		
<u>26:16–18</u>	35		+	21	=	46	(= 2 × 23)	
<u>26:19</u>		10	+	7	=	17		
<u>26:12–18</u>	81		+	49	(= 7 × 7)	=	130	(= 5 × 26)

The final verse in Deuteronomy’s central core (Deut 12–26), which has 17 (the alternate divine-name number) words, is carefully integrated into its immediate literary context with a total of 130 (= 5 × 26) words in 26:12–18. Within this section, there are a total of 46 (= 2 × 23, the number for **כבוד**, “glory”) words in vv 16–18 and 17 words in v 19—signifying that the ancient scribes (“counters”) have labored to the “glory of YHWH.”

Comment

16–17 These two verses, which summarize the commitment made by the people of Israel in their covenant with YHWH, are framed by repetition of the words “statutes” (**חקים**) and “judgments” (**משפטים**, vv 16 and 17), which appear also in 12:1 to form an envelope around the laws of the central core (Deut 12–26); and by repetition of the verbal root **צוה**, “to command”: “God is commanding you” (**מצוך**, v 16) and “his commands” (**מצותיו**, v 17). The command “to do them with all your heart and with all your soul” brings to mind the Great Commandment in 6:5–6 and 10:12–13, 20–22, to love God with “all your heart and with all your being” and to “walk in all his ways”—that is, “to fear YHWH,” which is the beginning of spiritual wisdom. “Today” (**היום**) means both the original day on which Moses spoke these words and each subsequent day when the ceremony of covenant renewal was held. The verb **האמרת**, “you have declared,” is the hiphil from **אמר**, “to say,” which appears only here and in v 18 below. S. Wagner translates it with the meaning “proclaim” (TDOT 1:328–29). As Mayes put it, “Whatever translation is adopted, each declaration refers to the obligations

undertaken by both parties to the covenant, and the reference is to a solemn legal act whereby the covenant is agreed" ([1981] 339).

18–19 These two verses are framed by reference to the special relationship between YHWH and his people: the people of Israel are "his treasured people" (v 18). Consequently they are called to "be a holy people to YHWH" (v 19). The parallel text in Exod 19:6 has "a holy nation." In Deuteronomy, however, the term for "nations" (גוֹי) is reserved for non-Israelite peoples, as Mayes observes ([1981] 339). The phrase "just as he has spoken" is repeated to form a frame around the concluding summation, in which the people are urged once again to keep all of YHWH's commands (v18), "so that he will set you high above all the nations" (v 19) to be an object of praise and honor to YHWH among those peoples.

The hiphil of **אמר**, which appears nowhere else in the Hebrew Bible, is to be taken in an intensive and not a causative sense. Israel does not cause God to say anything, nor does God cause Israel to say or do anything. The commitments made between God and Israel in covenant renewal are mutual. The translation "YHWH has declared you" is intended to suggest that the covenant relationship is seen as a marriage, as argued by M. A. Friedman "(Israel's Response to: 'You Are My Husband,' " *JBL* 99 [1980] 20 n. 14). Z. W. Falk suggests that the mutual commitments of vv 16–17 reflect a marriage ceremony between YHWH and his bride, Israel. He points out that in subsequent rabbinic literature **מאמר** "had the meaning of the marriage formula used by the levir and of the oral declaration of divorce" (*Hebrew Law in Biblical Times* [1964] 135).

Explanation

The brief exhortation in 26:16–19 functions as the conclusion to the exposition of the law in Deut 5–26, which was used in a covenant renewal ceremony in ancient Israel. It summarizes what has happened in that ceremony, where the words "this day" and "today" (vv 16, 17, 18) refer to both the original day on which Moses spoke and each subsequent time thereafter when the ceremony was held. S. J. DeVries has made a detailed study of the use of the word "today" (and its equivalents, which appear 49 times in Deuteronomy), in which he concludes: "his revelation is now. He is very alive and present. Israel must respond one way or another, because the voice of God is near. The word they must obey is not far off in the heavens or belonging to remote antiquity. Therefore do not defer your choice to still another 'today'!" ("The Development of the Deuteronomic Promulgation Formula," *Bib* 55 [1974] 316; see Maxwell [1987] 288–89; for an expanded discussion of this matter, see S. J. De Vries, *Yesterday, Today and Tomorrow* [Grand Rapids, Eerdmans, 1975]).

The recitation of the laws that God revealed to Moses is now complete, and attention shifts to the covenant relationship between God and his chosen people. The people solemnly declare that YHWH is their God and that they will obey him (v 17); and God, on his part, affirms that he will set them "high above all the nations ... for praise and for fame and for honor" and that Israel shall be a holy people (vv 18–19). "These concluding verses ... lead by implication to the substance of chs. 5–11, in which the intimate, personal relationship with God is emphasized, one which is the substance of the covenant agreement. Obedience now assumes a new aspect; it is not so much a legal duty as a response to a personal relationship with the community's Lord and Savior" (Wright, *IB* 2:488).

Though Israel, as the people of God, were commanded to observe the laws as delineated in Deut 12–26, the matter of greatest importance is their attitude. That they were chosen as YHWH’s “treasured people” is not a basis for pride. The privilege carries a heavy responsibility. If their obedience to God’s laws comes from the heart, then God will exalt them in such a manner that they become a source of praise and honor among the nations.

How very different the situation often became through the ages. We tend to set our focus on external matters, in the mere keeping of those many commandments. When we do so, we lose sight of what it means to be God’s “treasured people” whom he sets “high above all the nations that he has made—for praise, and for fame, and for honor” (v 19). The object of that praise is not the people of Israel; it is God himself. The name we are to lift up is not ours, but his. It is not our honor that is spoken of here, but his. To be a holy people is to be a people set apart for God, and for that special task among the nations to which he has called us. The keeping of God’s commandments is not the means of our own vindication or justification before God. God chose Israel to be a special people on the basis of his own lovingkindness—it is a matter of God’s grace, and God’s grace alone. It is our heartfelt response to God’s love and commitment to us as his “treasured possession” that he desires of us by means of obedience to his commands. That is what will bring forth his praise and honor among the nations.

C. Writing the Torah on Stones and Covenant Renewal at Shechem (27:1–26)

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1. Shechem Ceremony Dramatizing Israel’s Covenant Responsibilities (27:1–10)

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Translation and Prosodic Analysis

Moses and the Elders Command the People to Keep the Commandment [4:5]

¹ <i>Now Moses / and the elders of Israel commanded /</i>	15	2
<i>the people / saying //</i>	9	2
<i>“Keep / all the commandment /</i>	10	2
<i>that I / command you / TODAY //</i>	<u>16</u>	3_

Write the Torah on Plastered Stones on Mount Ebal [(6:5):(5:6):(4:5)]

² <i>And it shall be / in the day / when you cross over the Jordan /</i>	19	3
<i>into the land / that YHWH your God / is giving to you //</i>	23	3_
<i>And you shall set up for yourselves / great stones /</i>	19	2
<i>and you shall plaster them / with plaster //</i>	11	2
³ <i>and you shall write upon them /</i>	<u>10</u>	1_
<i>All the words / of this Torah / when you cross over //</i>	17	3
<i>in order / that you may come into the land /</i>	17	2_
<i>That YHWH your God / is giving to you /</i>	16	2
<i>a land flowing with milk \ and honey /</i>	13	1
<i>just as YHWH God of your fathers / spoke / to you //</i>	<u>20</u>	3_
⁴ <i>And it will be / when you cross over the Jordan /</i>	14	2
<i>you shall set up / these stones /</i>	19	2_
<i>That I / command you / TODAY \ on Mount Ebal //</i>	22	3
<i>and you shall plaster them / with plaster //</i>	<u>10</u>	2_

Erect the Altar of YHWH on Mount Ebal and Offer Sacrifices [(5:4):(4:5)]

⁵ <i>And you shall build there / an altar / to YHWH / your God //</i>	24	4
<i>an altar of stones /</i>	8	1
<i>You shall not wield upon them / an iron tool //</i>	12	2
⁶ <i>of unhewn stones / you shall build it /</i>	<u>12</u>	2_
<i>It is the altar \ of YHWH your God //</i>	12	1
<i>and you shall offer upon it \ burnt offerings /</i>	14	1
<i>to YHWH / your God //</i>	10	2_
⁷ <i>And you shall sacrifice peace offerings / and eat there //</i>	17	2
<i>and you shall rejoice / before / YHWH your God //</i>	<u>18</u>	3_

Write the Torah on Plastered Stones “Very Plainly” [4]

8	<i>And you shall write upon the stones / all the words /</i>	18	2
	<i>of this Torah / very plainly // ס</i>	16	2_
 Moses' Pronouncement and Summation [7:(7:4)]			
9	<i>And Moses spoke / together with the Levitical priests /</i>	20	2
	<i>to all Israel / saying //</i>	11	2
	<i>“Keep silence / and hear / O Israel /</i>	11	3_
	<i>THIS DAY / you have become the people / of YHWH / your</i>	23	4
	<i>God //</i>		
10	<i>and you shall hearken / to the voice / of YHWH your God //</i>	18	3_
	<i>And you shall observe his commandments \ and his statutes /</i>	17	1
	<i>that / I command you / TODAY” // ס</i>	<u>15</u>	3_

Notes

1.a-a. Some LXX witnesses omit אֶת־הָעָם, “the people.” Prosodic analysis supports MT.

1.b. Some Heb. MSS read שְׁמוֹר, add the missing vowel, for MT שִׁמְרוּ, “keep”; SP, Syr., Tg., and Vg. read שָׁמְרוּ, “they kept.” The more difficult reading of MT is retained, with inf. functioning as impv.

3.a. Some LXX witnesses and Tg. Ps.-J. read 2 pl. forms.

3.b. Reading *pašṭā*’ followed by *zāqēp qāṭôn* as conj.

4.a. The *’atnāḥ* is misplaced in this verse, and should be placed after הָאֱלֹהִים, “these.” The *ṭiphā*’ under הַיּוֹם, “today,” is read as conj.

4.b-b. SP reads Mount Gerizim.

5.a. A number of Heb. MSS read הֵן (3 fem. pl.) to agree with אֲבָנִים, “stones.”

6.a. Reading *ṭiphā*’ as conj. because of misplaced *’atnāḥ*.

6.b. Reading *pašṭā*’ followed by *zāqēp parvum* as conj.

7.a. Some LXX witnesses add κυρίῳ (τῷ θεῷ σου), “to the Lord (your God).” Prosodic analysis supports MT.

8.a. A number of Heb. MSS read בְּיָרָא, “to make clear.” See *Comment on 1:5*.

9.a. Some Heb. MSS, Syr., and some LXX witnesses add *waw*-conj., reading “the priests *and* the Levites.” The more difficult reading of MT is followed here.

9.b. SP and some LXX witnesses add **קֹדֶשׁ**, “holy”; cf. 28:9.

10.a-a. Reading **מצותיו**, “his commandments,” with Q and Cairo Geniza fragments.

10.b. Reading *pašṭā*’ followed by *zāqēp qāṭôn* as conj.

Form/Structure/Setting

The structure of Deut 27 has puzzled scholars through the centuries. Its content interrupts the natural connection between Deut 26 and 28, centered in events on the plains of Moab under Moses. Here the focus shifts to Shechem, which is somewhat distant from where the people of Israel crossed the Jordan River near Jericho and further than the people could journey in a single day, contrary to what a superficial reading of 27:2 might suggest.

Important examples of covenant documents and ceremonies have emerged in the large number of international treaties preserved in texts from all over the ancient Near Eastern world. Although these treaties are known primarily from Hittite sources, there is no reason to believe that the Hittites originated the treaty form. Such treaties are intrinsically cross-cultural in nature and certainly influenced the structure and nature of the Sinai covenant and its renewal, especially as reflected in the covenant ceremony presented in Deut 27–30.

In terms of the prosodic analysis of the Hebrew text, 27:1–10 is in five parts: vv 1, 2–4, 5–7, 8, and 9–10. The *Numeruswechsel* before the temporal marker “today” separates the opening verse from what follows and establishes the boundaries of 27:2–4, which are also marked by repetition of the words “cross over the Jordan” followed by “you shall plaster them with plaster.” The *šetûmā*’ layout marker after v 8 breaks vv 8–10 into two parts.

Before examining further the structural detail from a prosodic point of view, it is useful to review the overall structure of Deut 27, which may be outlined as follows:

A Keep all the commandment that I command you today	<u>27:1</u>
B Write the Torah on stones and build an altar on Mount Ebal	<u>27:2–8</u>
X Summary appeal for obedience	<u>27:9–10</u>
B Proclamation of blessings and curses by the twelve tribes	<u>27:11–13</u>
A’ Twelve curses recited from Mount Ebal on hidden sins	<u>27:14–26</u>

The outer frame in this structure moves from a summary command to keep all the commandment (v 1) to twelve curses that are to be recited from Mount Ebal concerning hidden sins (vv 14–26), with a second summary appeal for obedience to God’s commandments in the center (vv 9–10). The inner frame moves from the command to write the words of the Torah on plastered stones and to build a stone altar on Mount

Ebal (vv 2–8) to the proclamation of blessings and curses by the twelve tribes there at Shechem (vv 11–13).

The stones of 27:5–6 are the unhewn stones from which the altar is built, whereas the stones of v 8 are the great plastered stones of vv 2–4, on which the Torah is inscribed for all to see. This becomes clear in light of the five-part concentric structure of vv 1–10, which may be outlined as follows:

A Moses' summary commandment	<u>27:1</u>
B Write the Torah on plastered stones on Mount Ebal	<u>27:2–4</u>
X Erect an altar of unhewn stones there and offer sacrifices	<u>27:5–7</u>
B Write the Torah on plastered stones—very plainly	<u>27:8</u>
A' Moses' pronouncement and summary commandment	<u>27:9–10</u>

The boundary between vv 8 and 9 is marked by the *sētûmā*' layout marker, which suggests that vv 9–10 are set off from what precedes and that they play a role in larger structures within Deuteronomy. For the section as a whole, the phrase “all the commandment” (v 1) forms an inclusion with “all the words of this Torah” in v 8, and with the words “his commandments and his statutes” in v 10. It is the whole of Deuteronomy that is to be made “very plain” for all the people assembled there by displaying the Torah on great plastered stones for all to see. “Rabbinic exegesis took the requirement of making the Teaching clear to mean that it was to be written on the stones in seventy languages so that all nations might avail themselves of it” (Tigay [1996] 250, citing *m. Sot. 7:5*; *t. Sot. 8:6*; *Tg. Ps.-J.* and *Tg. Yerushalmi*).

The word אבנים, “stones,” appears as a framing device around vv 2–8, and in the structural center of that subunit, which may be outlined as follows:

A Set up stones and write on them the words of this Torah	<u>27:2–3</u>
B Set up these plastered stones on Mount Ebal	<u>27:4</u>
X Build there an altar of unhewn stones to YHWH	<u>27:5–6a</u>
B Offer sacrifices, eat there, and rejoice before YHWH	<u>27:6b–7</u>
A' Write upon the stones the words of this Torah	<u>27:8</u>

The stones of vv 5–6 are the unhewn stones from which the altar is built, whereas the stones of vv 2–4 and 8 are the great plastered stones, on which the Torah is inscribed for all to see.

It is interesting to note that, in spite of its brevity, this summary appeal for obedience may be outlined in similar fashion:

A Moses and Levitical priests speak to the people:	<u>27:9a</u>
B Keep silence and hear, O Israel!	

X This day you have become the people of God. 27:9b

B Hear the voice of YHWH! 27:9c

A' You shall do as I have commanded you. 27:10a

27:10b-c

At the center of this structure, which is also the structural center of chap. 27 itself, we have the simple affirmation: “This day you have become the people of YHWH your God” (v 9d). The verb “to hear” appears in the imperative form on either side urging the people of Israel to listen to the voice of YHWH. The larger frame indicates that Moses (along with the Levitical priests) told the people to do what YHWH has commanded them to do (cf. the discussion of 1:1-6a).

The evidence gathered by Labuschagne on the use of the divine-name numbers in 27:1-11 may be summarized as follows:

Words:	before 'atnāḥ	after 'atnāḥ				
		ḥ				
<u>27:1-4</u>	43	(= 17 + 26)	+	39	=	82
<u>27:5-8</u>	26		+	15	=	41
<u>27:9</u>	8		+	9	=	17
<u>27:10</u>	4		+	9	=	13
<u>27:1-10</u>	81		+	72	=	153 (= 9 × 17)

There are a total of 153 (= 9 × 17) words in this section, which is also the sum of the numbers one through seventeen. There are 43 (= 17 + 26) words before 'atnāḥ in vv 1-4 and 26 words before 'atnāḥ in vv 5-8. The 17 words of v 9 are augmented by 13 words in v 10, so as to reach the grand total of 153 (= 9 × 17) words in the passage as a whole. On the use of the numbers 17 and 26 as divine-name numbers, see *Excursus: “Deuteronomy as a Numerical Composition.”*

Comment

1 “Moses and the elders of Israel”—this is the only place in which Moses is joined by the elders in commanding the people to observe “the commandment” (cf. also v 9, where Moses is joined by the Levitical priests). Craigie says the wording here is appropriate because Moses would not be present at the ceremony of covenant renewal on Mount Ebal: “Therefore a particular responsibility would fall on the elders of the people to ensure that the injunction was carried out” ([1976] 327). The phrase “all the commandment” refers to all the laws of Deuteronomy, which is equivalent to “all the words of this Torah” in vv 3 and 8. The phrase “that I command you” appears to be in some tension with the opening words of the verse, in which “Moses and the elders of Israel” are speaking.

2-3 The phrase “in the day when you cross over the Jordan” cannot be meant literally, since Mount Ebal is thirty miles from Jericho and four thousand feet higher. Nonetheless, as Mayes puts it, “this definite statement cannot be taken vaguely ... [but rather] points to an action to be undertaken as soon as the Jordan has been crossed” ([1981] 340). With a number of other scholars, Mayes argues for “an intentional

conflation of traditions, those of Shechem where Israel's covenant tradition was particularly preserved, and those of Gilgal ... where memories of Israel's first entry into the land were preserved" ([1981] 341). Zertal suggests that the historical crossing of the Jordan was actually farther north near the village of Adam where the Jabbok enters the Jordan—opposite the Wadi Faria. This is where Abraham entered Canaan in an earlier era, when he “traveled through the land as far as the site of the great tree of Moreh at Shechem.... So he built an altar there to the LORD” (Gen 12:6–7 NIV). If so, Gilgal is to be located in the vicinity of Mount Ebal, and the injunction here to set up the great plastered stones and the altar of unhewn stones on that very day is to be taken literally. The covenant ceremony was to take place at the Israelites' first camp in the promised land near Shechem. While they were encamped there, a number of momentous events occurred: Joshua circumcised all the males who had been born in their wilderness sojourn, the people celebrated the first Passover in the land, the manna ceased, the people ate the produce of the land, and the Israelites launched their military campaign for the land from there. That “conquest” was subsequently celebrated annually as YHWH's “Holy War,” with Jericho and Ai as the primary focus in the repeated celebration of the ritual conquest in the spring festival of Passover.

Tigay suggests that the writing on “plaster” was done by engraving the text “through the plaster into the stone” such that “the white plaster would highlight the dark color of the letters” ([1996] 248). On the phrase “a land flowing with milk and honey,” see the *Comment* on 6:3 and literature cited in the bibliography there.

4 The summit of Mount Ebal allows a person to see most of the marvelous vision of the promised land that Moses saw from Mount Nebo (cf. 34:1–3). The ancient city of Shechem is located in the valley, some 1,200 feet below the summit of Mount Ebal and its sister Mount Gerizim, and was an important site in Israel's traditions (see Gen 33:19, 20; Josh 24). Excavations by Adam Zertal have revealed a structure from the early Iron Age on Mount Ebal that a number of scholars believe to be Joshua's altar (see picture of artist's sketch in the front of WBC 6A, and Machlin, *Joshua's Altar*, 112). Though Coogan's conclusion that “it is misleading and ultimately unhelpful for the larger historical task of a biblical archaeologist ... to presume that [it was] Israelite” (*PEQ* 119 [1987] 1–8), the fact remains that the site fits all four of his own criteria for a cultic site from archeological remains as well as the general picture in terms of the biblical account. Some scholars have suggested that the reading of “Gerizim” for “Ebal” in SP is original and that the subsequent change in MT is to be explained as anti-Samaritan polemic (cf. Bülow, *ZDPV* 73 [1958] 104 n. 14; Mayes [1981] 341). It is more likely that the Samaritan tradition of celebrating Passover on the mountain associated with the blessing emerged in a later period when the covenant renewal at the original central sanctuary in Shechem was no longer observed there. By then, the celebration of Passover as a pilgrimage festival was already held on an annual basis at the battle camp of Gilgal located near Jericho. The second half of v 4, “and you shall plaster them with plaster,” repeats the command given in v 2 to form a frame around the vv 2–4 as a literary subunit.

5–7 According to the prescription of Exod 20:25, “an altar of stones” was constructed of uncut stones. Such an altar was found in the excavations at Arad and earlier in various Canaanite sites. The reason for prohibiting the use of “an iron tool” in connection with religious ceremonies is not known. In the “burnt offerings” and the “peace offerings” offered in the covenant on Mount Sinai (Exod 24:5), most of the flesh was eaten by the worshiper and thus the offering was appropriate for a festival. Levine argues that what is called a “peace offering” here was “an ancient sacrifice, probably introduced into the Israelite cult before the beginnings of the monarchy” (*In the*

Presence of the Lord, 45). It later became an element of regular public worship, particularly within the context of the Festival of Weeks (Lev 23:15–21).

8 The “stones” here refers to the plastered stones of vv 2–4, not the unhewn stones of the altar (in vv 5–7). The phrase translated “very plainly” (**בְּאֵר הַיִּטְב**) includes a form of the verb that appears elsewhere in the Hebrew Bible only in Deut 1:5 and Hab 2:2, with the sense of making a written statement plain or distinct. In postbiblical Hebrew the term **בְּיִאֹר** denotes an exposition, or commentary. Tsumura has argued for parallels in Akkadian *burru*, the D stem of *bâru*, meaning “to establish the true legal situation (ownership, liability, etc.) by a legal procedure involving ordeal, oath, or testimony” (ZAW 94 [1982] 294–95).

9–10 On the phrase “Moses ... with the Levitical priests,” see v 1 above. It is interesting to note that the shift from third-person address (v 9) to first-person singular, “that I command you,” parallels the usage in v 1 to form an envelope around vv 1–10 as a literary unit. The unusual grouping of leadership titles with and without Moses in vv 1, 9, 11, and 14 serve as rhetorical markers for the beginning of the four major sections of the chapter: vv 1–8, 9–10, 11–13, and 14–26. The terminology “you shall observe his commandments and his statutes” (v 10) connects with that of 26:16–19, as Mayes ([1979] 343) observes. The phrase **בְּלִי־יִשְׂרָאֵל**, “all Israel” (v 9), also functions as an envelope around Deuteronomy as a whole (in 1:1 and 34:12).

Explanation

Deuteronomy constitutes the essence of the culture of ancient Israel. As such, its content needed to be communicated to each member of that national entity. To that end the book became part of the public observance of covenant renewal at Shechem. Like the Code of Hammurabi in Mesopotamia, the “Code of Moses,” as recorded in the Hebrew text of Deuteronomy, was inscribed on great stone stela for all to see when they assembled to offer sacrifices on Mount Ebal and to remember YHWH’s Holy War in the days of Moses and his successor Joshua.

Much effort was spent in ancient Israel to put the content of Deuteronomy in the hearts and minds of the common people by means of musical recitation and dramatic performance within the context of public festivals. The text was on public display for all to see, on great plastered stela alongside the altar that was the focus of sacrificial offerings in Mount Ebal. That same text was sung by the Levitical priests and committed to memory by the worshippers as well.

The Christian church can learn much from the example of ancient Israel in this regard. It is not enough merely to hand out copies of the Bible to our children as they move from the third to the fourth grade. We must find ways to get the content of that book into the hearts and minds of all our people by various means, which include the prominent display of the text itself in public worship.

One of the curious features of modern worship within the evangelical churches today is the absence of public recitation of the Scriptures as an end in itself. Much time is given to singing songs of praise, many of which are simply biblical texts put to music. But very little time is given to “hearing” the Bible recited, other than perhaps the text on which the pastor’s sermon of the morning is based. We need to find ways to expose our people to the whole of the Bible in public worship in the manner that ancient Israel experienced Deuteronomy on Mount Ebal.

The reason that the text of Deuteronomy was written on great stone stela for all to see was that the people might learn to “keep all the commandment that I command you today” (27:1). The text of “all the words of this Torah” was to be written “very plainly” (v 8) so that everyone would know what God requires of them. We need to find ways today to accomplish the same end more effectively. If we love God, we will keep his commandments “with all our heart and with all our being.” We are indeed a “treasured” and a “holy people”; but if we are to be truly set on high “above all the nations ... for praise, and for fame, and for honor ... to YHWH [our] God” (26:18–19), we need to see that God’s law is written in our minds and on our hearts for everyone to see (cf. Jer 31:31–33).

2. *Positioning of the Tribes at Shechem and a Litany of Curses (27:11–26)*

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Translation and Prosodic Analysis

Positioning on Mounts Gerizim and Ebal and the First Curse [(6:3):(4:4):(4:4)] [3:6]

11	<i>And Moses commanded / the people / IN THAT DAY / saying //</i>	21	4
12	<i>these / shall stand /</i>	7	2_
	<i>To bless the people \ on Mount Gerizim /</i>	17	1
	<i>when you cross / the Jordan //</i>	9	2_
	<i>Simeon / and Levi and Judah / and Issachar /</i>	20	3
	<i>and Joseph and Benjamin //</i>	12	1
13	<i>and these / shall stand for the curse / on Mount Ebal //</i>	21	4_
	<i>Reuben / Gad and Asher /</i>	12	2
	<i>[and] Zebulun / Dan and Naphtali //</i>	14	2_
14	<i>And the Levites shall respond / and they shall say /</i>	15	2
	<i>to every man in Israel / with a loud voice // D</i>	13	2_
15	<i>Cursed is the man / who makes a graven or molten image /</i>	21	2
	<i>an abomination to YHWH /</i>	7	1_
	<i>A work / by hands of a craftsman /</i>	11	2
	<i>and he sets it up in secret //</i>	7	1
	<i>And all the people shall respond /</i>	10	1
	<i>and they shall say / Amen // D</i>	10	2_

Four Curses on Social Sins from Mount Ebal { [5] [5] [5] [6] }

16	<i>Cursed is the one / who dishonors his father / or his mother //</i>	15	3
	<i>and all the people shall say / Amen // D</i>	15	2_
17	<i>Cursed is the one / who moves back / his neighbor’s landmark //</i>	16	3
	<i>and all the people shall say / Amen // D</i>	15	2_
18	<i>Cursed is the one / who misleads a blind man / in the way //</i>	13	3
	<i>and all the people shall say / Amen // D</i>	13	2_

19 Cursed is the one / who perverts / justice for alien orphan /	14	3
and widow //	6	1
and all the people shall say / Amen // ד	<u>13</u>	2_

Four Curses on Sexual Sins from Mount Ebal { [5] [5] [5] [5] }

20 Cursed is the one / who lies \ with his father's wife /	16	2
because he has removed \ his father's garment //	11	1
and all the people shall say / Amen // ד	<u>15</u>	2_

21 Cursed is the one / who lies / with any beast //	15	3
and all the people shall say / Amen // ד	<u>15</u>	2_

22 Cursed is the one / who lies \ with his sister /	14	2
the daughter of his father \ or daughter of his mother //	11	1
and all the people shall say / Amen // ד	<u>13</u>	2_

23 Cursed is the one / who lies / with his mother-in-law //	14	3
and all the people shall say / Amen // ד	<u>13</u>	2_

Two Curses on Social Sins from Mount Ebal { [5] [5] }

24 Cursed is the one / who strikes down his neighbor / in secret //	17	3
and all the people shall say / Amen // ד	<u>15</u>	2_

25 Cursed is the one / who takes a bribe /	12	2
so as to strike down a life \ (taking) innocent blood //	12	1
and all the people shall say / Amen // ד	<u>13</u>	2_

Final Curse on Those Who Do Not Keep the Words of This Torah [6]

26 Cursed is he / who does not uphold /	12	2
<all> the words of this Torah /	13	1
To do them //	8	1
and all the people shall say / Amen // פ	<u>15</u>	2_

Notes

12.a. Reading *pašṭā* followed by *zāqēp parvum* as conj.

12.b-b. Reading גרזים, “Gerizim,” with MT, against B and SP, which read גרזים, in order to achieve closer balance in terms of mora count. The term is counted five morae.

12.c. Reading the *waw*-conj. with MT on the basis of prosodic analysis in all four instances against some Heb. MSS, LXX, and Vg.

13.a. Reading disj. accent here for *metheg* plus *mêrĕkâ*.

13.b. Deleting *waw*-conj. with some Heb. MSS and SP.

13.c. Reading with MT; Syr. adds *waw*-conj.

16.a. Reading מְקַלֵּל, “he dishonors,” with MT; two Heb. MSS read מְקַלֵּל.

16.b. Here and in the repetition of this refrain in vv 17–26, I read sg. with MT; SP reads pl.

19.a. Some Heb. MSS and B read מִטֵּה rather than מְטֵה, “he perverts,” with no change in meaning.

19.b. LXX and Syr. add *waw*-conj. Prosodic analysis supports MT.

20.a. Reading *pašṭā*’ followed by *mûnāḥ* as conj.

20.b. Reading *tiḫā*’ as conj. because of misplaced *’atnāḥ*.

22.a. Reading *pašṭā*’ followed by *zāqēp parvum* as conj.

22.b-b. Some LXX witnesses read אחות אביו ואמו, “sisters of his father and his mother.” Prosodic analysis supports MT.

22.c. Reading *tiḫā*’ as conj. because of misplaced *’atnāḥ*.

25.a. Reading *tiḫā*’ as conj. because of misplaced *’atnāḥ*.

25.b-b. B reads דם נקי (א), with the same meaning as MT דם נקי, “innocent blood.” Cf. 19:10 and Jonah 1:14.

26.a. Adding כל, “all,” with a few Heb. MSS, SP, and most LXX witnesses. Restoring the word completes the pattern in the use of the divine-name numbers throughout 27:11–26 (see discussion under *Form/Structure/Setting*).

26.b-b. SP reads לַעֲשׂוֹתָם, “to do them,” for MT לעשות אותם, “to do them.” Prosodic analysis supports MT.

Form/Structure/Setting

There are significant problems in the interpretation of this section. There are two ways to interpret 27:11–13. Either the preposition על (v 12) is to be read as equivalent to אל-מול, “in front of” (Josh 8:33), or we are dealing with more than one ceremony. A further complexity is introduced by the fact that v 12 refers to six tribes standing there “to bless the people on Mount Gerizim,” but there are no blessings given in the

text until we get to Deut 28. The best way to explain this situation is in terms of the function of 27:11–26 within the larger literary structure of Deut 27–28 as a whole, which may be outlined as follows:

A Shechem ceremony—Torah inscribed on stones and sacrifices on Ebal	<u>27:1–10</u>
B Positioning of the tribes at Shechem—litany of twelve curses	<u>27:11–26</u>
X Six ritual blessings in Moab under Moses	<u>28:1–14</u>
B Six ritual curses that echo the old Shechem ceremony	<u>28:15–19</u>
A' Moab ceremony—commentary and expansion of covenant curses	<u>28:20–69</u>

From this structure it is clear that we are dealing with more than one covenant ceremony in the text of Deut 27–28—that of covenant renewal under Moses on the plains of Moab and the anticipated covenant renewal under Joshua in the promised land. Joshua's renewal of the covenant of Shechem became an ongoing part of worship experience in the life of ancient Israel.

The outer frame in the above structure moves from a description of the anticipated setting for covenant renewal in the promised land at Shechem under Joshua (27:1–10), to a detailed commentary and expansion of the covenant curses as enunciated by Moses on the plains of Moab (28:20–69). The inner frame moves from a description of the positioning of the twelve tribes on Mount Gerizim and Mount Ebal for the blessing and curse, which includes a litany of twelve curses to be recited in that context (27:11–19), to six ritual curses of the original ceremony of covenant renewal in Moab (28:15–19). These six ritual curses are preceded by the account of the corresponding six ritual blessings in the center of the structure (28:1–14).

The continued observance of Passover by the Samaritan community on Mount Gerizim (see *Explanation* of 16:1–8) reveals that there is a place for both events depicted in Deut 27 and Josh 8:30–35 within the context of festival observance and covenant renewal at Shechem. In particular, the last day of the annual Samaritan observance begins early in the morning when all the males make their way to the top of Mount Gerizim to recite long doxologies, prayers, and songs to God, interspersed with biblical readings. The antiphonal recitation of blessings and curses on the part of tribal representatives on the two mountains of Deut 27 makes perfect sense along with the corporate experience of the assembly of the entire community facing the two mountains (Josh 8:33).

In terms of prosodic structure, 27:11–26 is in two major sections, the first of which is divided further in two parts (vv 11–14 and 15).

27:11–15 Positioning of the twelve tribes

27:16–26 Twelve curses recited from Mount Ebal by the Levites

The boundaries of the first prosodic unit (27:11–15) are marked by *sētûmā*' layout markers and the *Numeruswechsel* (change from second sg. to second pl.) in v 12. It should be noted, however, that there is another *sētûmā*' layout marker at the end of v 14 and after each of following verses that delineate the individual curses. Consequently the structure is determined primarily on the basis of content, which may be outlined as follows:

Proclamation of Blessings and Curses by the Twelve Tribes

	<u>27:11–14</u>
A These shall stand on Mount Gerizim to bless the people	vv <u>11–12a</u>
B Simeon, Levi, Judah, Issachar, Joseph, and Benjamin	v <u>12b</u>
X These shall stand for the curse on Mount Ebal	v <u>13a</u>
B Reuben, Gad, Asher, Zebulun, Dan, and Naphtali	v <u>13b</u>
A' And the Levites shall respond with a loud voice	v <u>14</u>

Twelve Curses Pronounced by the Levites on Clandestine Sins

	<u>27:15–26</u>
A First curse: on relations with God (making images of God)	v <u>15</u>
B Four curses on social sins vv <u>16–19</u>	
X Four curses on sexual sins (incest and bestiality) vv <u>20–23</u>	
B Two curses on social sins vv <u>24–25</u>	
A' Summary curse: on relations with God (keeping the Torah)	v <u>26</u>

The boundary after 27:14 is marked by the *sētûmā* layout marker and by singling out of the Levites as the ones to pronounce the twelve curses that follow in 27:15–26.

The list of sins delineated here is similar to other such representative lists that appear elsewhere in the Torah, the Prophets, and the Psalms (cf. Ezek 18; Ps 15). Where relations with God are included in these lists, that matter is always placed first. A number of scholars have argued in favor of an original series of ten curses. The conclusion reached by Mayes is apropos: “in its allusions to various laws, it may function in a representative way ... to bring to mind the whole field of law and morality which must characterize the life of the people of Yahweh” ([1981] 345–46).

It should be noted that the curses of 27:15–26 are not the ceremony described in vv 11–14, as Lewy (*VT* 12 [1962] 207–11) and others have noted. They appear here as part of larger concentric structural patterns. In particular, the twelve curses recited from Mount Ebal by the Levites are set over against the mutual commitments between God and the people of Israel in 26:16–19. They spell out what will happen if, by choosing not to observe the Torah, Israel fails to be the “holy people” YHWH desires.

The conclusion Craigie reached about the omission of the blessings is indeed credible: when the text of the blessings in 28:3–6 is compared to the curses of 28:16–19, “it is not unlikely ... that the twelve blessings, which are not mentioned here, would have been the exact reverse of the twelve curses that are stated” ([1976] 331).

The evidence assembled by Labuschagne on the use of the divine-name numbers in 27:11–26, modified by the addition of the word כָּל, “all,” in the first half of v 26, may be summarized as follows:

Words:	before 'atnāḥ	after 'atnā
		ḥ
<u>27:11</u>	7	+ 0 = 7

<u>27:12–15</u>	39	+	17	=	56	
<u>27:16–19</u>	18	+	16	=	34	(= 2 × 17)
<u>27:20–23</u>	27	+	16	=	43	(= 17 + 26)
<u>27:24–26</u>	22	+	12	=	34	(= 2 × 17)
<u>27:12</u>	11	+	6	=	17	
<u>27:12–13</u>	17	+	12	=	29	
<u>27:12–14</u>	26	+	12	=	38	
<u>27:15–16</u>	17	+	9	=	26	
<u>27:15–17</u>	21	+	13	=	34	(= 2 × 17)

Following the introductory seven words of v 11, each subunit makes use of either or both of the divine-name numbers 17 and 26. There are 17 words in v 12, which concerns the blessing proclaimed from Mount Gerizim. In the whole of vv 12–14, on the positioning of the twelve tribes on Mounts Gerizim and Ebal for the blessings and curses, there are 26 words before *'atnāh*. In vv 12–15, which includes the first curse (v 15), there are 17 words after *'atnāh*. In vv 15–16, which present the first two curses, there are 17 words before *'atnāh* and a total of 26 words. In vv 15–17, which include the first three curses, there are a total of 34 (= 2 × 17) words; and in vv 16–19 on the four social sins proclaimed from Mount Ebal, there are a total of 34 (= 2 × 17) words. In vv 20–23 on the four sexual sins proclaimed from Mount Ebal, there are a total of 43 (= 17 + 26) words. And in vv 24–26 on the final three curses spoken from Mount Ebal, there are a total of 34 (= 2 × 17) words. The divine-name numbers appear to be the primary numerical pattern on which the text itself is built, expanding one subunit on another to build a structure in which God's name is carefully woven into the fabric of the Hebrew text.

Comment

12–13 On the association of “Mount Gerizim” and “Mount Ebal” with the covenant blessings and curses, see the *Comment* on 11:29 and Plate 4. Tigay notes that the Levites’ “pronouncements would be most audible if [the people] stood on the slopes of the mountains,” since the text actually states “‘on,’ not ‘atop,’ the mountains” ([1996] 252).

15 The first curse in the Decalogue (vv 15–26) concerns the breaking of the first two of the Ten Commandments, by making a “graven or molten image.” The term “cursed” (אָרוּר) was defined by Brichto as “destined for misfortune” (*Problem of “Curse,”* 77). It is the opposite of בָּרוּךְ, “to be blessed.” אִפְסָל, “graven image,” may be rendered as “idol,” since this noun is used only for images of gods in wood, metal, or stone. “Amen” is rendered in the LXX as “Let it be so.” Tigay calls attention to the fact that its meaning is spelled out by Jeremiah, who expressed assent to what Hananiah had just said by responding “Amen! May YHWH do so!” (Jer 28:6). He also calls attention to Num 5:22, where the suspected adulteress is commanded to drink a certain potion that will harm her if she is guilty, and she must respond “Amen, amen!” ([1996] 255). The Talmud explains that, “Answering ‘amen’ after an oath is equivalent to pronouncing the oath with one’s own mouth” (*b. Shebu. 29b*, cited by Tigay).

16 The term “dishonors” means to insult, or to treat with disrespect, which is the reverse of the verb to “honor” in the fifth commandment (see also 21:18–21).

17 To “remove a neighbor’s landmark” was considered a sin against God because property was owned by God, who assigned it to the original tribes in the days of Joshua (see also 19:14). If the reference is to something like the Mesopotamian *kudurru*- stone, as suggested by Craigie, the crime in question would be the “total appropriation of another person’s property” ([1976] 332; see also A. L. Oppenheim, *Ancient Mesopotamia* [Chicago: Univ. of Chicago Press, 1964] 123, 149).

18 The curse of “one who misleads a blind man” is interpreted broadly in Jewish tradition (cf. Lev 19:14). As Tigay put it, “Halakhic exegesis took the prohibition to include misleading uninformed people with incorrect information or bad advice, or abetting sinners and criminals, who are blinded by their desires” ([1996] 255; cf. Josephus *Ant.* 4.8.31 §276, cited by Tigay [1996] 395 n. 55).

19 The “alien, orphan, and widow” were vulnerable because they often lacked the power to defend themselves in legal proceedings (cf. 10:18). The subject of perverting justice to the vulnerable in society is taken up in the laws of 24:6–25:16, and particularly in 24:17–22.

20–23 On the meaning of the phrase “he has removed his father’s garment,” see also the *Comment* on 23:1 (Eng. 22:30), the law prohibiting marriage to one’s father’s wife. The statement seems to be a euphemistic description of the invasion of the privacy of the sexual relationship between the father and (step)mother by the father’s son. Tigay says the absence of adultery here has to do with the very nature of the crimes listed. “A man would arouse suspicion if seen in the company or home of another man’s wife, but not if seen in the company of his stepmother, sister, mother-in-law, and cattle” ([1996] 256). The defining of “sister” as “daughter of his father or daughter of his mother” excludes marriage with a half sister, which was clearly permitted in the stories of Abraham and Sarah (Gen 20:12), and Tamar and Amnon (2 Sam 13:13).

It is interesting to note that the list of sexual sins here does not include sexual relations between persons of the same sex, as is also the case in the list of twelve sexual prohibitions in Lev 18:6–18. The prohibition of homosexual acts comes rather far down the list of sexual evils in ancient Israel. In Lev 18:22 and 20:13 sexual union of males is prohibited; but nothing is said in the laws of the Torah in the matter of same-sex relations with females. Moreover, there is nothing in the laws of Deuteronomy on the subject of homosexuality at all. On the matter of transvestism, see Deut 22:5 and the *Comment* there.

24–25 Though the word **מכה**, “strikes down,” is often translated “slays,” a different verb is normally used to convey the meaning “to kill,” as in Exod 21:12. Nonetheless, the crime in question here remains that of slaying one’s “neighbor in secret.” The perpetrator of such a deed may escape trial and punishment on the part of legal authorities, but he or she cannot escape the curse of God. Biblical laws about “the one who takes a bribe” normally refer to judges, so Tigay concludes that the reference here is to corrupt application of the death penalty ([1996] 257; cf. Exod 23:7–8; Deut 16:22; Ezek 22:12).

26 The twelfth and final curse refers to all other commands in “this Torah.”

Explanation

The concentric structure of the curses here suggests that the sins of incest and bestiality are of primary concern and that they are in some way connected with the sins

regarding human relations with God in the first and last of the curses (27:14–15 and 26). That homosexual acts are not included in the list of four curses on sexual sins from Mount Ebal here or in the parallel list of twelve prohibitions of sexual relations in Lev 18:7–18 should not be construed as evidence condoning or condemning such relationships. Same-sex relations between males are condemned in Lev 18:22 and 20:13. In the latter instance the prohibition appears in conjunction with the prohibition of sexual union with animals by either sex (Lev 20:15–16), a prohibition listed here in Deut 27:21.

The sins against God here focus on the issue of idolatry (making images of God) and the keeping of the Torah. Though these matters are of primary importance throughout Deuteronomy, it is not immediately clear what connection, if any, exists between them and the four curses on the sexual sins of incest and bestiality in 27:20–23.

In his letter to the church at Corinth the apostle Paul saw a connection with glorifying God in our bodies. “The body is not meant for immorality, but for the Lord, and the Lord for the body.... Every other sin which a man commits is outside the body; but the immoral man sins against his own body. Do you not know that your body is a temple of the Holy Spirit within you, which you have from God? You are not your own; you were bought with a price. So glorify God in your body” (1 Cor 6:13–20). It makes no difference whether such sins are actually found out. Their effect is real and permanent—in our own bodies, in the life of the objects of our sexual actions, and in our relationship with God. Paul expounds the meaning of this curse in his letter to the Galatians (3:10–14), concluding that we cannot claim justification before God on the basis of “works of the law.” Since the all-embracing nature of this law turns our eyes to Christ, Paul then shifts his attention to the fact that “Christ redeemed us from the curse of the law, having become a curse for us—for it is written, ‘Cursed be every one who hangs on a tree’ ” (Gal 3:13; see Deut 21:23 and *Comment* there).

D. If You Keep Covenant (28:1–69 [Eng. 28:1–29:1])

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Introduction

The final verse (28:69) functions as a bridge connecting the “Covenant Blessings and Curses” under Moses and Joshua in Deut 28 with Deut 29, which makes clear that the terms of this ancient covenant apply to all future generations of the people of God as well.

Because of the nature of the content of these curses, the custom emerged within Judaism of chanting them in a whisper during the Torah reading. A Jewish tomb inscription of the third century C.E. invokes “all the curses written in Deuteronomy” on the person who violates it (*Corpus inscriptionum judaicarum* [Rome: Pontificio Istituto di Archeologia Cristiana, 1952] 2:24, no. 760; Tigay [1996] 261, 396 n. 22).

The boundaries of Deut 28 are marked by *pētūḥā*’ layout markers in *BHS*, which indicates that in L the extra space left after 27:26 and 28:69 are similar: the second half of the previous line was left blank and the text is written flush right with no indentation. For the *sētūmā*’ layout markers after vv 14 and 68, extra space was left in the middle of the line. It appears that the two *sētūmā*’ layout markers are calling attention to the fact that vv 1–14 and v 69 are part of other structures that extend beyond Deut 28. The only further rhetorical markers for internal structure in this lengthy chapter are the *Numeruswechsel* in vv 62 (twice), 63 (twice), and 68. Nonetheless, the chapter is one of the most tightly structured of the entire book, consisting of five parts, four of which are divided further into five parts, and one of these (vv 58–68) divided still further into five parts, as the following outline indicates:

A Blessings for obedience and curses for disobedience

28:1–19

a Six covenant blessings (in three pairs)

	v v <u>1–6</u>
b Promises expanding on the blessings	v v <u>7–10</u>
x Threefold blessing: progeny, livestock, and produce	v <u>11</u>
b' Promises expanding on the blessings	v v <u>12–14</u>
a' Six covenant curses (in three pairs)	v v <u>15–19</u>
B Expansion of curses: pestilence, famine, and disease	<u>28:20–32</u>
a General theme: curse, confusion, and cumbrance	v <u>20</u>
b Seven afflictions from pestilence	v v <u>21–22</u>
x Destruction by famine and the sword	v v <u>23–26</u>
b' Seven more afflictions (“boils of Egypt”)	v v <u>27–29</u>
a' Violent loss of family, home, and property	v v <u>30–31</u>
X Expansion of curses: oppression, exile, and slavery	<u>28:32–44</u>
a Oppression that produces insanity	v v <u>32–34</u>
b Afflictions from disease (“boils” [like Job])	v <u>35</u>
x Exile from the land of Israel	v v <u>36–37</u>
b' Afflictions of pestilence and war	v v <u>38–42</u>
a' Impoverishment and debt	v v <u>43–44</u>
B' Expansion of curses: utter privation in siege warfare	<u>28:45–68</u>
a These curses will pursue you until you are destroyed	v <u>45</u>
b Israel's utter privation “in want of all things”	v v <u>46–48</u>

x Military siege and the undoing of God's blessings	vv <u>49–52</u>
b' A gruesome climax: cannibalism	vv <u>53–57</u>
a' The complete reversal of Israel's history	vv <u>58–68</u>
a You will experience the diseases of Egypt	<u>28:58–61</u>
b Your numbers will be decimated	v <u>62</u>
x YHWH takes delight in destroying you	v <u>63</u>
b' YHWH will scatter you among the nations	v <u>64–65</u>
a' YHWH will make you "return to Egypt"	vv <u>66–68</u>
A' Summation: "These are the words of the covenant"	<u>28:69</u>

Detailed discussion of each of these passages is presented below, including the prosodic analysis on which this outline is based.

Most of the covenant or international treaty texts recovered from the ancient Near East include a section on blessings and curses, which describe in detail the consequences of obedience and disobedience on the part of the vassal. Because the witnesses mentioned in these texts were deities or deified elements of the natural world, the blessings and curses were appropriately those experiences that are beyond normal human ability to predict, much less to control. The most important of these concern health, productivity of fields and flocks and wives, and the ravages of war.

It should be noted that treaty texts from the Late Bronze Age (before 1200 B.C.E.) included not only punitive threats (curses) to be carried out by the divine witnesses to the covenant agreement but also positive rewards (blessings) of similar origin. Later in the Iron Age (after 1200 B.C.E.), particularly in the period of the Assyrian Empire (ca. 750–620 B.C.E.), only the curses were included. In Deut 28 both blessings and curses appear in the first section (28:1–19), but the great bulk of the material (28:20–68) is an expansion of the curses. Moreover, as Mendenhall and others have noted [*ABD* 1:1183], all of the various elements of ancient Near Eastern suzerainty treaties are present in Deuteronomy, which thus represents an early form of covenant tradition. At the same time, it is also true that the development of the treaty analogy in Deuteronomy appears to be a creative response to and polemic against the crisis of Assyrian domination in Israel, as Lohfink has argued (*IDBSup*, 229–32).

The longest chapter in the book, Deut 28 is discussed in most commentaries as two literary units: the blessings (vv 1–14) and the curses (15–68). The prosodic analysis presented here, however, suggests that the chapter is made up of five subsections: vv 1–19, 20–32, 33–44, 45–68, and 69, the first of which presents both blessings and curses in summary form, with the focus of attention on the blessings. This is contrary to

parallels in other ancient Near Eastern international treaty texts, where the usual order presents curses before blessings. After the summary statement of six covenant curses in vv 15–19, which are almost identical in form to the six covenant blessings of vv 1–6, the curses are expanded in three cycles, and a fourth cycle contained within the third cycle in vv 58–61, as a “wheel within a wheel.”

1. Blessings for Obedience and Curses for Disobedience (28:1–19)

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Translation and Prosodic Analysis

Six Covenant Blessings [4:(5:5):6] [4:(3:3):4]

¹ And it shall be / if you surely hearken /	13	2
to the voice / of YHWH your God /	<u>12</u>	2_
To be careful to do / all his commandments /	14	2
that / I command you / TODAY //	15	3_
Then YHWH your God / will make you / most high /	18	3
above / all the nations of the earth //	<u>11</u>	2_
² And all these blessings / will come upon you /	23	2
and they will overtake you //	7	1
when you hearken / to the voice / of YHWH your God //	<u>16</u>	3_
³ Blessed are you / in the city //	11	2
and blessed are you / in the (open) field //	<u>13</u>	2_

⁴ <i>And blessed is the fruit of your womb /</i>	10	1
<i>and the fruit of your ground /</i>	10	1
<i>and the fruit of your beasts //</i>	9	1_
<i>The increase of your cattle \ and the young of your flock //</i>	16	1
⁵ <i>blessed is your basket / and your kneading trough //</i>	<u>13</u>	2_
⁶ <i>Blessed are you / in your coming in //</i>	12	2
<i>and blessed are you / in your going out //</i>	<u>14</u>	2_

Promises Expanding on the Blessings [(7:5):(4:4):(5:7)]

⁷ <i>May YHWH grant in regard to your enemies /</i>	13	1
<i>the ones rising against you /</i>	10	1
<i>that they be struck down / before you //</i>	11	2
<i>In one road \ they shall go out against you /</i>	15	1
<i>and in seven roads / they shall flee before you //</i>	22	2_
⁸ <i>May YHWH command that the blessing / be with you /</i>	16	2
<i>in your granaries / and in every / enterprise of your hand //</i>	<u>19</u>	3_
<i>And he will bless you / in the land /</i>	12	2
<i>that YHWH your God / is giving to you //</i>	17	2
⁹ <i>YHWH will establish you \for himself / to be a holy people /</i>	17	2
<i>just as / he swore to <your fathers> //</i>	<u>12</u>	2_
<i>When you keep / the commandments / of YHWH your God /</i>	18	3
<i>and you walk / in his ways //</i>	10	2_
¹⁰ <i>Then all the peoples of the earth / shall see /</i>	14	2
<i>that / the name of YHWH / is proclaimed over you //</i>	16	3
<i>and they shall be afraid / of you //</i>	<u>10</u>	2_

The Threefold Blessing: Progeny, Livestock, and Produce [5:5]

¹¹ <i>And YHWH will make you abound / in prosperity /</i>	13	2
<i>in the fruit of your womb /</i>	6	1
<i>and in the fruit of your cattle /</i>	9	1
<i>and in the fruit of your ground //</i>	10	1_
<i>Upon / the ground / that YHWH swore /</i>	15	3
<i>to your fathers / to give to you //</i>	<u>12</u>	2_

Promises Expanding the Blessings [(6:7):(7:6):(5:5)]

¹² <i>May YHWH open / to you / his good treasury / the heavens /</i>	23	4
<i>by giving rain on your land / in its time /</i>	13	2_
<i>And by blessing / all / the work of your hand //</i>	18	3

	<i>and you shall lend / to many nations /</i>	11	2
	<i>but as for you / you shall not borrow //</i>	<u>8</u>	2_
13	<i>And YHWH will make you / to be the head / and not the tail /</i>	20	3
	<i>and you shall be / only above /</i>	11	2
	<i>and you shall not be / beneath //</i>	9	2_
	<i>When you hearken / to the commands / of YHWH your God /</i>	16	3
	<i>that I command you / TODAY / to keep and to do (them) //</i>	<u>23</u>	3_
14	<i>And you shall not turn aside / from all the words /</i>	15	2
	<i>that I / command <you> / TODAY /</i>	15	3_
	<i>To the right or to the left //</i>	8	1
	<i>to walk / after / other gods / to serve them // ׀</i>	<u>22</u>	4_

Six Covenant Curses [(5:4):(3:3):(4:5)]

15	<i>And it shall be / if you will not hearken / to the voice /</i>	13	3
	<i>of YHWH your God / to keep and to do /</i>	16	2
	<i>All his commands and his statutes /</i>	13	1
	<i>that / I command you / TODAY //</i>	<u>16</u>	3_
	<i>Then all these curses / shall come upon you /</i>	23	2
	<i>and they shall overtake you //</i>	7	1
16	<i>Cursed are you \ in the city //</i>	11	1
	<i>and cursed are you / in the field //</i>	<u>12</u>	2_
17	<i>Cursed is your basket / and your kneading trough //</i>	13	2
18	<i>cursed is the fruit of your womb /</i>	11	1
	<i>and the fruit of the ground //</i>	11	1_
	<i>The increase of your cattle /</i>	8	1
	<i>and the offspring of your flock //</i>	10	1
19	<i>Cursed are you \ in your coming in //</i>	12	1
	<i>and cursed are you / in your going out //</i>	<u>13</u>	2_

Notes

1.a. LXX has 2 pl. verbal form.

1.b. Some Heb. MSS, SP, LXX, and Tg. Ps.-J. add *waw*-conj.

1.c. A few Heb. MSS and SP read גִּי, “nation,” for MT גִּוִּי, “nations of (the earth).”

4.a-a. Omitted in LXX by homoeoteleuton. Prosodic analysis supports MT.

4.b. Reading *tiphā'* as conj. because of misplaced *sillûq*.

7.a. Some SP MSS read **הקאמים** for MT **הקמים**, “the ones rising.” The roots **קאם** and **קום** appear to be interchangeable (see BDB, 866).

7.b. Some SP MSS read **אחת**, “one,” for MT **אחד**, “one.”

7.c. Reading *pašṭā*’ followed by *zāqēp qāṭôn* as conj.

8.a. SP reads **יצוה** for MT **יצו**, “he will command,” with no change in meaning.

8.b. SP reads **באסימך**, “in your barn,” for MT **באסמידך**, “in your barns.”

8.c. Many Heb. MSS, SP, Tg., and Vg. read pl. **ידיך**, “your hands,” for MT **ידך**, “your hand.” Tg. *Ps.-J.* reads **ידיכם**, “your [pl.] hands.”

9.a. Reading *pašṭā*’ followed by *mêrēkā* as conj.

9.b. Emending with LXX τοῖς πατράσιν σου, “to your fathers,” for MT **לך**, “to you.” Mayes ([1981] 353) says the verb **שבע**, “to swear,” in Deuteronomy with YHWH as subject is used elsewhere only with reference to the promise to the fathers (e.g., 1:8; 4:31; 6:10; 7:12; etc.; though cf. 2:14).

11.a. SP reads **לטוב**, “for good [masc.],” for MT **לטובה**, “for good [fem.],” which is possible in terms of the prosodic analysis.

11.b. SP omits pronominal suff.

12.a-a. SP inserts **את** before **ארצך**, “your land.”

12.b. One Heb. MS and some SP MSS omit *waw*-conj.

12.c. Cairo Geniza text, LXX, SP, Syr., and Vg. read pl. **ידיך**, “your hands” for MT **ידך**, “your hand.”

14.a-a. Omitted in LXX (Vg. reads *ab eis*, “from them”). Prosodic analysis supports MT.

14.b-b. Reading **מצוך** for MT **מצוה אתכם**, “(that I) command you [sg.],” with one Heb. MS, SP, LXX, and Syr. (cf. 4:40; 6:2, 6, and numerous other occurrences, including 28:13). There is no change in meaning. The *šētūmā*’ layout marker makes a significant boundary here, which may have attracted the use of the *Numeruswechsel* within the Masoretic tradition (cf. 28:62, 63, 68). The elimination of one word here brings the total word count for 28:11–14 to 78 (= 3 × 26) and the word count before *’atnāḥ* to 119 (= 7 × 17). It also brings the total word count

before *'atnāḥ* in 28:1–69 to 595 (= 35 × 17). See discussion under *Form/Structure/Setting*.

15.a-a. Omitted in LXX minuscules. Prosodic analysis supports MT.

15.b-b. Omitted in SP and LXX; some Heb. MSS add *waw*-conj. Prosodic analysis supports MT.

15.c-c. Omitted in SP and LXX minuscules. Prosodic analysis supports MT.

15.d-d. Omitted in some Heb. MSS, some LXX witnesses, and Syr. Prosodic analysis supports MT.

16.a. Reading *ṭiphā'* as conj. because of misplaced *'atnāḥ*.

18.a. One Heb. MS adds **וּפְרֵי בַהֲמַתְךָ**, “and fruit of your livestock.” Prosodic analysis supports the shorter MT.

19.a. Reading *ṭiphā'* as conj. because of misplaced *'atnāḥ*.

Form/Structure/Setting

From a prosodic point of view, Deut 28:1–19 is in five parts (vv 1–6, 7–10, 11, 12–14, and 15–19), which are carefully structured in terms of content in a concentric pattern:

A Six blessings (in three pairs)	<u>28:1–6</u>
B Promises expanding on the blessings	<u>28:7–10</u>
X Threefold blessing (fruit of womb, cattle, ground)	<u>28:11</u>
B Promises expanding on the blessings	<u>28:12–14</u>
A' Six curses (in three pairs)	<u>28:15–19</u>

The six blessings (28:1–6) and six curses (28:15–19) are arranged in three pairs using virtually identical language:

1. Blessed/cursed are you in the city	<u>28:3a</u> , <u>16a</u>
2. Blessed/cursed are you in the field	<u>28:3b</u> , <u>16b</u>
3. Blessed/cursed is the fruit of you womb, ... ground, and ... beasts	<u>28:4</u> , <u>18</u>
4. Blessed/cursed is your basket and your kneading trough	<u>28:5</u> , <u>17</u>
5. Blessed/cursed are you in your coming in	<u>28:6a</u> , <u>19a</u>
6. Blessed/cursed are you in your going forth	<u>28:6b</u> , <u>19b</u>

The inner frame in the above concentric structure (28:7–10 and 12–14) consists of promises that elaborate on the concise blessings of vv 3–6. These sections highlight that God is the source of the blessings. Israel will be successful because God will honor what he promised in 26:18–19. The expansion of the covenant blessings in 28:7–10 may be outlined as follows:

A YHWH will destroy your enemies before you	<u>28:7</u>
B YHWH will ordain blessings for you	<u>28:8a</u>
X And he will bless you in the land that YHWH is giving you	<u>28:8b</u>
B YHWH will establish you as his holy people	<u>28:9</u>
A' All the peoples of the earth shall see and fear	<u>28:10</u>

The outer frame moves from YHWH's promise to destroy Israel's enemies (v 7) to the great fear that will spread among all the peoples of the earth who see what God is doing in behalf of Israel (v 10). In the inner frame YHWH declares that he will surely bring his blessings on Israel (v 8a), for he will establish them as his holy people (v 9). The center summarizes the matter: God will bless his people in the land that he is giving them (v 8b). The nature of that blessing is spelled out again in v 11, in a circular sentence:

A YHWH will make you abound in prosperity	והותרך יהוה לטובה
B in the fruit of your womb	בפרי בטןך
X in the fruit of your cattle	ובפרי בהמתך
B in the fruit of your ground	ובפרי אדמתך
A' upon the ground	על האדמה
that YHWH swore to your fathers to give you	אשר נשבע יהוה לאבתך לתת לך

YHWH will cause his people to abound in prosperity in the promised land: in progeny, in livestock, and in agricultural produce.

The second expansion of the blessings in terms of promises on the part of YHWH in 28:12–14 may be outlined in similar fashion:

A YHWH will open for you his rich storehouse	<u>28:12a</u>
B You will be a creditor to many nations, but debtor to none	<u>28:12b</u>
X YHWH will make you the head, not the tail	

28:13a

B If you keep the commandments of YHWH that I command you today

28:13b

A' Do not turn to the worship of other gods

28:14

YHWH will open “his good treasury” to bless his people in all they do (v 12a), so do not turn “to the right or to the left, to walk after other gods to serve them” (v 14). If Israel keeps YHWH’s commandments (v 13b), they will be blessed above all nations (v 12b). Israel will lend to many nations, but borrow from none, for Israel will be exalted high above all peoples (v 13a).

There are other ways to show the concentric structure of this passage in matters of detail. Tigay presents the relationship between the blessings in vv3–6 and the promises of vv 7–13 as follows ([1996] 490):

A economic success	<u>28:3a</u>
B fertility of soil	<u>28:3b</u>
C fertility of humans and animals	<u>28:4</u>
D abundant food	<u>28:5</u>
E military success	<u>28:6</u>
E' military success	<u>28:7</u>
D' abundant food	<u>28:8</u>
C' fertility of humans and animals	<u>28:11</u>
B' fertility of soil	<u>28:12a</u>
A' economic success	<u>28:12b–13</u>

This particular analysis, which is based on repetition of ideas as well as on specific vocabulary items, was apparently first observed by Rofé (Tigay [1996] 542 n. 6).

The evidence Labuschagne has gathered on the use of the divine-name numbers in 28:1–19, with a minor correction in v 14, may be summarized as follows:

Words:	before 'atnāḥ	after 'atnā ḥ			
<u>28:1–6</u>	38 (= ברכה)	+	23	=	61
<u>26:3–6</u>	16	+	10	=	26
<u>28:7–10</u>	34 (= 2 × 17)	+	25	=	59
<u>28:7–8</u>	17	+	15	=	32
<u>28:9–10</u>	17	+	10	=	27

<u>28:11–14</u>	47	(= אָרוּר)	+	31	=	78	(= 3 × 26)
<u>28:11</u>	9		+	8	=	17	
<u>28:12</u>	17		+	6	=	23	
<u>28:13</u>	11		+	12	=	23	
<u>28:11–12</u>	26		+	14	=	40	
<u>28:12–14</u>	39		+	23	=	62	
<u>28:13–14</u>	21		+	17	=	38	(= בְּרַכָּה)
<u>28:15–19</u>	31		+	16	=	47	(= אָרוּר)
<u>28:1–14</u>	119	(= 7 × 17)	+	79	=	198	
<u>28:15–69</u>	476	(= 4 × 7 × 17)	+	318	=	794	

The divine-name numbers are woven into the text of 28:1–14 in numerous ways, along with both 23 and 32, the two numerical values of כְּבוֹד, “glory.” A close look at the prosodic analysis presented here in relation to the data assembled by Labuschagne reveals that each of the prosodic units, and the subdivisions within these units as well, is structured in terms of these sacred numbers. Moreover, 28:1–14 as a whole has 119 (= 7 × 17) words before *atnāḥ*; and 28:15–69 as a whole has 476 (= 4 × 7 × 17) words before *’atnāḥ*. It may also be significant that there are 38 words before *’atnāḥ* at the beginning (vv 1–6) and 38 words in vv 13–14 near the end of this unit; for this is the numerical value of the word בְּרַכָּה, “blessing,” which is the subject of the passage.

There are 47 words in vv 15–19, which is the numerical value of the key word אָרוּר, “cursed,” which appears six times in vv 16–19. Symbolically the word “curse” appears a seventh time in the total number of 47 words in this passage.

Comment

1–2 The opening words, “if you surely hearken to the voice of YHWH your God,” form an inclusion with the concluding words of v 2 that separates vv 1–2 from the sixfold covenant blessing of vv 3–6.

3–4 The word בְּרוּךְ, “blessed,” which carries the connotation of being “prosperous,” is repeated six times in vv 3–6 within the space of twenty-six words. The phrases “in the city” and “in the field” function as a merism to indicate totality of place (see J. Krasovec, *Der Merismus im Biblisch-Hebraischen und Nordwestsemitischen*, BibOr 33 [Rome: Pontifical Biblical Institute, 1977]). Wherever you are, you will prosper. The word פְּרִי, “fruit,” is used in a broader sense in Hebrew than is normally the case in English. See 28:53 below, where it is used in the expression “fruit of your own womb” in reference to human beings who are consumed in the horrors of starvation in times of military siege. The word appears three times here: of human beings, of agricultural produce, and of livestock.

5 The “kneading trough” was a wide shallow bowl employed for the preparation of dough with which to make bread. The blessing here refers to provision of daily food for the family.

6 The phrases “your coming in” and “your going out” are often used of military activity, which is clearly the case in the parallel passage in 28:7. See the discussion below in 31:2, where Moses’ inability “to go out and to come in” refers to his concern for the military leadership that he is turning over to Joshua (cf. Num 27:17, 21 and 1 Sam 18:13, 16; 29:6).

7 Security is assured by God against external threats from enemies. The phrase “seven roads” is used figuratively to express the idea of a large number, with the notion of completeness and fullness. Thus the translation in JPS *Tanakh* renders it “by many roads.”

8 On the meaning of the phrase “every enterprise of your hand,” see the *Comment* on 12:7. The phrase has a double meaning: “labor” itself, in the sense of “that to which one sets one’s hand,” and the products of one’s labor (cf. 26:11).

9 On the peculiar calling of the people of Israel “to be a holy people,” see also Exod 19:6, where the concept of Israel as “a holy nation” is linked with that of their being “a kingdom of priests.” Without the proposed textual emendation from LXX (adding “your fathers”), this would be the only use of the phrase “just as he swore” with reference to the Sinai covenant in Deuteronomy.

10–11 “They shall be afraid of you,” because “the name of YHWH is proclaimed over you.” Tigay has noted that the same concept on a human level appears in an appeal from a Canaanite vassal to Pharaoh in Amarna Tablet 287 ([1996] 260): “Behold, the king has set his name in the land of Jerusalem for ever; so he cannot abandon the lands of Jerusalem!” (*ANET*, 488). To proclaim the name over something was a legal act by which ownership was claimed and established in ancient Israel (Galling, *TLZ* 76 [1956] 65–70). On the threefold blessing of v 11, cf. v 4.

12 Craigie says, “The language of the verse is poetic and the imagery ... is reminiscent of Ps. 104:3, 13, where God is described as watering the mountains from his lofty abode” ([1976] 337). Israel shall enjoy such an excess of prosperity that they “shall lend to many nations” and “shall not borrow.” On God’s provision of the rain, see 11:11–17.

13–14 The idea that God will make Israel “to be the head and not the tail” expresses in new language what was said in the previous verse.

15–19 On the phrase “all his commands and his statutes” see also v 45 (and cf. v 1). The curses begin with the conditional clause, “if you will not hearken to the voice of YHWH your God,” similar to some ancient treaties.

Explanation

The threefold blessing of progeny, livestock, and produce of v 11 is expanded in vv 1–19 in parallel units that epitomize the essence of Deuteronomic theology, which may be summarized as follows: “obey the commands of YHWH and be blessed; disobey them and be cursed.” That this is an oversimplification of reality is demonstrated by the question posed by the prophet Habakkuk—“why do you look on the treacherous, and are silent when the wicked swallow those more righteous than they?” (Hab 1:13 NRSV)—and by the book of Job. Job is actually singled out for suffering because he “was blameless and upright, one who feared God and turned away from evil” (Job 1:1, 8), not because of any sin on his part. Some scholars have even

suggested that the book of Job was written expressly to challenge the simplistic interpretation of Deuteronomic theology.

One's circumstances in life are not necessarily a result of one's character. Hundreds of thousands of innocent children died in the Nazi holocaust, not because of sin on their part but because of an enormous evil force that surged across the length and breadth of Europe at that time. There are countless examples of disasters in all ages in which innocent people suffer and die. When Jesus' disciples saw a man blind from birth, they asked Jesus, "Rabbi, who sinned, this man or his parents, that he was born blind?" (John 9:2). Jesus responded, "Neither this man nor his parents sinned" (John 9:3 NRSV). As so many in various twelve-step recovery programs remind themselves again and again in their attempts to break free from the sense of guilt that tends to paralyze them, life is not fair. None of us is totally free from the effects of the evil one, however righteous we may be.

As Maxwell noted ([1987] 303–4), a close reading of the Former Prophets shows that even the so-called Deuteronomistic History does not follow the simplistic reading of Deuteronomic theology proposed by a surface reading of Deut 28:1–19. In 2 Sam 11:25 we read that "the sword devours now one and now another," so that the innocent are taken along with the guilty. The untimely deaths of the priests of Nob at the hands of King Saul (1 Sam 22:18–19) and the deaths of the seventy brothers of Abimelech (Judg 9:1–6) had nothing to do with retributive justice. On the other side, the long succession of kings in ancient Israel and Judah who ruled in luxury in spite of the fact that they refused to obey the words of YHWH's Torah bears witness to the other side of the coin. Evil is not always punished in this life.

The most striking example of innocent suffering in the literature of the Latter Prophets is that of the "suffering servant" of Isaiah 53. In spite of his obedience to God's commandments, the servant suffers as did the prophet Jeremiah before him, and others in the long line of men and women who faithfully proclaimed the word of God in difficult circumstances.

A close reading of Deuteronomy itself shows the folly in a simplistic interpretation of blessings and curses in terms of moral behavior alone. Israel's wealth is presented as a gift of God, not something earned (8:18). God did not give the blessing of the land to Israel because they were more righteous than other nations (9:4–6). In the episode of the golden calf, the people were spared because Moses interceded for them, not because of righteousness on their part (9:25–29).

2. Expanded Description of Future Disaster (28:20–69 [Eng. 29:1])

a–b. First and Second Expansions of the Covenant Curses (28:20–44)

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Translation and Prosodic Analysis

First Expansion: Pestilence, Famine, and Disease [(5:4):(4:4):(4:5)]

General Theme: Curse, Confusion, and Cumbrance [(5:4)]

²⁰ <i>YHWH will send \ upon you / curse<and> confusion /</i>	22	2
<i>and cumbrance / in all the undertakings of your hand /</i>	14	2
<i>that you will do //</i>	5	1_
<i>Until you are destroyed and you perish \ quickly /</i>	16	1
<i>because of / your evil doing / in forsaking me //</i>	<u>22</u>	3_

Seven Afflictions from Pestilence [(4:4):(4:5)]

²¹ <i>YHWH will make \ the pestilence cling / to you //</i>	13	2
<i>until / he has put an end to you /</i>	10	2
<i>From upon / the ground /</i>	10	2
<i>that you are coming there / to possess //</i>	<u>14</u>	2_
²² <i>YHWH will strike you / with consumption and with fever /</i>	17	2
<i>and with inflammation / and with fiery heat /</i>	12	2_
<i>And with drought /</i>	5	1
<i>and with scorching / and with mildew //</i>	17	2
<i>and they will pursue you / until you perish //</i>	<u>13</u>	2_

Destruction by Famine and the Sword [6:7:7:6]

²³ <i>And your heavens /</i>	10	1
<i>that are over your head \ will become brass //</i>	12	1
<i>and the land that is beneath you \ iron //</i>	14	1
²⁴ <i>And YHWH will make / the rain of your land /</i>	12	2
<i>powder and dust //</i>	<u>9</u>	1_
<i>From the heavens / it will come down upon you /</i>	15	2
<i>until \ you are destroyed //</i>	5	1
²⁵ <i>And YHWH / will cause you / to be defeated /</i>	9	3
<i>before your enemies /</i>	<u>9</u>	1_
<i>By one road / you will go forth against him /</i>	14	2
<i>indeed by seven roads /</i>	11	1
<i>you will flee before him //</i>	9	1
<i>And you will become an object of trembling /</i>	11	1
<i>to all / the kingdoms of the land //</i>	<u>12</u>	2_
²⁶ <i>And your corpses will be / food /</i>	17	2
<i>for every bird of the heavens /</i>	9	1

<i>And for the beasts of the land //</i>	11	1
<i>and there will be none / to frighten them off //</i>	<u>7</u>	2_

Seven More Afflictions (“Boils of Egypt”) [(6:4):(4:6)]

²⁷ <i>And YHWH will strike you /</i>	7	1
<i>with boils of Egypt \ and with piles /</i>	13	1
<i>and with scurvy / and with itch //</i>	13	2
<i>of which you are not able / to be healed //</i>	13	2_
²⁸ <i>And YHWH will strike you /</i>	7	1
<i>with madness \ and with blindness //</i>	14	1
<i>and with confusion / of heart //</i>	<u>10</u>	2_
²⁹ <i>And you will / grope about at noonday /</i>	15	2
<i>just as the blind man gropes about / in the dark /</i>	19	2_
<i>And you will not prosper / in your ways //</i>	14	2
<i>and you will be / only maltreated and robbed / all the days /</i>	<u>22</u>	3
<i>and there will not be a savior //</i>	8	1_

Violent Loss of Family, Home, and Property [7:(4:7)]

³⁰ <i>A woman you will betroth /</i>	8	1
<i>but another man / will rape her /</i>	12	2
<i>A home you will build /</i>	4	1
<i>but you will not dwell in it //</i>	9	1
<i>A vineyard you will plant /</i>	4	1
<i>but you will not put it to use //</i>	<u>9</u>	1_
³¹ <i>Your ox / will be slaughtered before your eyes /</i>	15	2
<i>and you will not eat / any of it /</i>	10	2_
<i>Your ass / will be stolen from before you /</i>	16	2
<i>and it will not be returned / to you //</i>	9	2_
<i>Your sheep \ will be given to your enemies /</i>	16	1
<i>and there will not be for you / a savior //</i>	<u>10</u>	2_

Second Expansion: Oppression, Exile, and Slavery

Oppression That Produces Insanity [(7:4):7]

³² <i>Your sons and your daughters / will be given to another people /</i>	23	2
<i>and your eyes will look on /</i>	10	1
<i>And they will be spent with tears for them / all the day //</i>	13	2
<i>and there will be no power (to help) / in your hand<s> //</i>	11	2_

³³ <i>The fruit of your ground / and of all your toil /</i>	15	2
<i> a people will devour / that you have not known //</i>	<u>19</u>	2_
<i>And you will be /</i>	6	1
<i> only / maltreated and crushed / all the days //</i>	16	3_
³⁴ <i>And you will be \ driven mad //</i>	10	1
<i> by the sight of your eyes / that you will see //</i>	<u>13</u>	2_

Afflictions of Disease (“Boils [like Job]”) [4:4]

³⁵ <i>YHWH will strike you / with evil boils /</i>	11	2
<i> on the knees / and on the legs /</i>	12	2
<i>Of which you will not be able / to be healed //</i>	14	2
<i> from the sole of your foot / to the crown of your head //</i>	<u>11</u>	2_

Exile from the Land of Israel [5:5:5]

³⁶ <i>And YHWH will bring / you / and your king /</i>	18	3
<i> that you will set up over you / to a nation /</i>	15	2_
<i>That you have not known \ you and your fathers //</i>	17	1
<i> and you will serve there / other gods / of wood and stone //</i>	24	3
³⁷ <i>and you will become a horror /</i>	<u>10</u>	1_
<i> A proverb \ and a byword //</i>	11	1
<i> among all / the peoples /</i>	8	2
<i> to which YHWH will lead you / there //</i>	<u>13</u>	2_

Afflictions of Pestilence and War [(4:5):(3:3):(5:4)]

³⁸ <i>Much seed \ you will carry to the field //</i>	11	1
<i> and little will you gather in /</i>	8	1
<i> for the locust swarm / will consume it //</i>	<u>11</u>	2_
³⁹ <i>Vineyards you will plant \ and you will till them //</i>	14	1
<i> but wine you will not drink /</i>	8	1
<i>And you will not gather in fruit /</i>	7	1
<i> for the worm / will devour it //</i>	<u>14</u>	2_
⁴⁰ <i>Olive trees / you will have / throughout all your territory //</i>	16	3
<i> but oil \ you will not have to anoint yourself /</i>	9	1
<i> for your olives / will drop off //</i>	<u>8</u>	2_
⁴¹ <i>Sons and daughters / you will bear //</i>	14	2
<i> but they will not be yours /</i>	8	1
<i> for they will go / into captivity //</i>	11	2_
⁴² <i>All your trees / and the fruit of your ground //</i>	15	2

Impoverishment and Debt [6:6]

⁴³ <i>The alien / who is in your midst / will rise above you /</i>	17	3
<i>higher and higher // but you will go down /</i>	16	2
<i>lower and lower //</i>	7	1_
⁴⁴ <i>He will lend to you / and you / will not lend to him //</i>	16	3
<i>he will be the head / and you / will be the tail //</i>	<u>18</u>	3_

Notes

20.a. Reading *lǝgarmēh* as conj.

20.b. SP reads **המרה**, “the bitterness,” for MT **המארה**, “the calamity.”

20.c. A number of Heb. MSS, Cairo Geniza texts, SP, LXX, α', and Vg. add *waw*-conj. Prosodic analysis supports the emendation.

20.d. Some Heb. MSS and SP read **ידיך**, “your hands,” for MT **ידך**, “your hand.”

20.e-e. LXX omits this phrase. Prosodic analysis supports MT.

20.f-f. SP reads **השמיד(ו)ך ועד(ה)אב(י)ד(ו)ך**, “they destroy you and until they cause you to perish,” for MT **השמדך ועד־אבדך**, “you are destroyed and until you perish.” Prosodic analysis supports MT.

20.g. Reading *paštā'* followed by *zāqēp qāṭōn* as conj.

21.a. Reading *tiḫā'* on **בך** as conj. because of misplaced *'atnāh*.

22.a-a. Reading MT **יִכָּךְ** as equivalent to **יִכָּךְ** (cf. SP **יכך**), “he will strike you” (see also [28:27](#), [28](#), [35](#)).

22.b. Omitted in LXX. Reading **הָרֵב**, “dryness” or “heat,” with Vg., which reads *et aestu*, “and heat.” MT reads **חֶרֶב**, “sword.”

22.c-c. SP and Syr. read **יִרְדְּפוּךְ עַד אַב(י)ד(ו)ך**, “they will pursue you until they cause you to perish,” for MT **וּרְדְּפוּךְ עַד אַבְדְּךְ**, which is possible from a prosodic perspective.

23.a. Syr., Tg., and Vg. read **הַשָּׁמַיִם**, “the heavens,” for MT **שָׁמַיִךְ**, “your heavens.” MT is retained as *lectio difficilior*.

23.b. Reading *tiphā*’ as conj. because of misplaced *’atnāh*.

23.c. Reading *tiphā*’ as conj. because of misplaced *sillûq*.

24.a. Reading *tiphā*’ as conj. because of misplaced *sillûq*.

24.b. LXX adds ἐν τάχει, “quickly” (= **מהר**). Prosodic analysis supports MT.

25.a. Reading the unusual sequence of accents *mêrēkā* with *pāsēq* as disj.

25.b. Some SP MSS read **אחת**, “one,” for MT **אחד**, “one” (see [28:7](#)).

25.c-c. One Heb. MS and SP read **לזועה**, “an object of trembling,” by transposition, for MT **לזעוה**, “an object of trembling.” See [Isa 28:19](#).

26.a-a. Some Heb. MSS, SP, LXX, and Syr. read **לעוף**, “for birds,” for MT **לכל-עוף**, “for every bird.”

27.a. Reading *paštā*’ followed by *zāqēp qātôn* as conj.

27.b. Reading **ובעפלים**, “piles” or “hemorrhoids,” with K, which was apparently considered too vulgar for public reading. The Q **ובטחרים**, “swellings,” or “tumors,” appears in some Heb. MSS, DSS, Syr., and Tg.

27.c. Some SP witnesses read **ובהרס**, “and with destruction,” for MT **ובחרס**, “and with itch.”

28.a. Reading *tiphā*’ as conj. because of misplaced *’atnāh*.

28.b. Some LXX witnesses omit *waw*-conj. Prosodic analysis supports MT.

29.a. Some Heb. MSS, SP, and Syr. read sg. **דרכך**, “your way,” for MT pl. **דרכיך**, “your ways.” Prosodic analysis supports MT.

29.b. SP reads **רק**, “only,” for MT **אך**, “only” or “surely.”

29.c. Some of the more important LXX witnesses add σοι, “for you” (= **לך**) (cf. v [31](#) below). Adding a word here disturbs the numerical composition, which totals 51 (= 3 × 17) words in vv [29–31](#). It appears that the phrase “and there will not be a savior” is to be taken as a coda from a musical point of view.

30.a. Reading with K **ישגלנה**, “he shall rape her,” a verb never used of legitimate sexual relations. Since this word was considered too vulgar for public reading, Q and

other textual traditions used the words **ישכב עמה**, “lie with her,” instead (cf. *Note 27.b*).

31.a. Reading *pašṭā*’ followed by *zāqēp qāṭôn* as conj.

32.a-a. Omitted in some Heb. MSS and LXX. Prosodic analysis supports MT.

32.b. Reading pl. **ידיך**, “your hands,” with a number of Heb. MSS, Cairo Geniza fragments, and Syr. MT reads **ידך**, “your hand”; *Tg. Ps.-J.* reads **ידיכם**, “your [pl.] hands.”

33.a. Some SP witnesses add *waw*-conj. Prosodic analysis supports MT.

34.a. Reading *tipḥā*’ as conj. because of misplaced *’atnāḥ*.

36.a. Some SP witnesses read **יוליך** for MT **יולך**, “he will bring,” with no change in meaning.

36.b. *Tg. Ps.-J.* reads 2 pl.

36.c. Reading *tipḥā*’ as conj. because of misplaced *’atnāḥ*.

36.d. Lucianic tradition of LXX, OL, and *Tg. Ps.-J.* read 2 pl.

37.a. SP reads **לשם** for MT **לשמה**, “become a horror,” with no change in meaning.

37.b. SP and LXX add *waw*-conj.

37.c. Reading *tipḥā*’ as conj. because of misplaced *’atnāḥ*.

38.a. Reading *tipḥā*’ as conj. because of misplaced *’atnāḥ*.

39.a. Reading *tipḥā*’ as conj. because of misplaced *’atnāḥ*.

40.a. Reading *pašṭā*’ followed by *zāqēp qāṭôn* as conj.

40.b-b. Some SP witnesses, Syr., Tg., and Vg. read **יש(ע)לו**, “they will drop off,” for MT **ישל**, “it will drop off.”

42.a-a. Reading **יוריש**, “it shall possess,” with SP for MT **יירש**, “it will be dispossessed (by the locust).”

Form/Structure/Setting

Since about 1960, scholars have looked to international treaty texts from the ancient Near East as a model to explain the form of Deuteronomy. At first, interest focused on parallels with Hittite vassal treaty texts of the Late Bronze Age (pre-1200 B.C.E.); but other parallels were noted with later Assyrian treaty texts from the Iron Age (post-1200 B.C.E.). In keeping with the structure of what have come to be called “Iron Age

Loyalty Oaths,” Deut 28:20–68 is an expanded definition of the acts of commission and omission that subject a vassal to the covenant curses. The Iron Age treaties give the impression that a promise to obey has simply been imposed by superior military force and is reinforced by means of the elaboration of curses. Weinfeld has appropriately called these treaties “loyalty oaths” (*JAOS* 90 [1970] 184–203; *idem*, *UF* 8 [1976] 392–93).

Like the Assyrian loyalty oaths, Deut 28:20–44 is an expanded description of disasters, including natural calamities, diseases, and the ravages of war, that may be outlined as follows:

A Agricultural disaster (drought and hardened soil)	<u>28:20–24</u>
B Human afflictions (defeat → boils → madness → oppression)	<u>28:25–29</u>
X Undoing of the blessings (in <u>28:4, 8, 11</u>)	<u>28:30–31</u>
B Human afflictions (oppression → madness → boils → defeat)	<u>28:32–37</u>
A' Agricultural disaster (crop-destroying pests)	<u>28:38–44</u>

In this reading the outer frame consists of parallel groups of curses that focus on agricultural disaster in terms of drought (vv 20–24) and pestilence (vv38–44). The inner frame focuses on human afflictions (vv 25–29 and 32–37). In the center (vv 30–31) we find the reversal of the covenant blessings of prosperity in progeny, livestock, and agricultural produce. The elaboration here is far more expansive than that which accompanies the blessings in28:7–14. Though this section is complex from a prosodic point of view, with ten rhythmic units, it contains an elaborate concentric structural design embracing the whole, which may be outlined as follows:

A Triad of afflictions: curse, confusion, and cumbrance	<u>28:20–22</u>
B Agricultural disaster (drought and hardened soil)	<u>28:23–24</u>
C War: defeat leading to Israel becoming an object lesson	<u>28:25–26</u>
D Boils of Egypt (sent from YHWH)	<u>28:27</u>
E Madness and blindness	<u>28:28–29a</u>
F Oppressed and robbed all the days	<u>28:29b</u>
X Undoing of the blessings (in <u>28:4, 8, 11</u>)	<u>28:30–31</u>
F' Oppressed and crushed all the days	<u>28:32–33</u>
E' Madness from what one sees	<u>28:34</u>
D' Boils (sent from YHWH)	<u>28:35</u>
C' War: exile leading to Israel becoming an object lesson	<u>28:36–37</u>

B Agricultural disaster (crop-destroying pests)	<u>28:38–42</u>
A' Economic collapse—impoverishment and debt	<u>28:43–44</u>

The center of this structure (vv 30–31) contains a list of calamities that essentially undo the blessings of vv 4, 8, and 11. Everything the people of Israel have will be taken by those who conquer them: their fiancées will be raped, their homes and vineyards taken, their oxen slaughtered, their asses and sheep stolen, their children enslaved, and their produce consumed.

Since there are no markers in MT to indicate either the boundaries of vv 20–44 or the subunits within it, the structure must be determined on the basis of content, prosodic analysis, and the use of divine-name numbers. The list of curses that emerges from this study is arranged in ten prosodic units, perhaps to reflect the “ten plagues” of Exod 7–11. These units may be outlined in two five-part structural units (vv 20–32 and 33–44):

A General theme: curse, confusion, and cumbrance	<u>28:20</u>
B Seven afflictions from pestilence	<u>28:21–22</u>
X Destruction by famine and war	<u>28:23–26</u>
B Seven more afflictions (including “boils of Egypt”)	<u>28:27–29</u>
A' Undoing of the blessings	<u>28:30–31</u>
A Oppression that produces insanity	<u>28:32–34</u>
B YHWH will strike you with boils (like Job)	<u>28:35</u>
X Exile from the land	<u>28:36–37</u>
B' Undoing of the blessings	<u>28:38–42</u>
A' Impoverishment and debt	<u>28:43–44</u>

These individual prosodic units are carefully arranged in parallel structures. In this reading the focus of attention is on destruction by famine and war and the exile of the people of Israel from their land. Three categories of punishment are presented here: disease (vv 21–22), drought with subsequent famine (vv 23–24), and war (vv 25–26). Compare the familiar “pestilence, sword, and famine” in other texts (Jer 21:7; 32:24; 38:2; 43:11; Ezek 5:12; 7:15).

In the outer frame of the first five-part structure, the opening verse (v 20) is set over against a summation of the undoing of the blessings (vv 29b–32) given earlier in vv 3–13. Inside this frame we find the familiar triad of pestilence, famine, and sword, in which the climax is reached in v 26 with its portrayal of ignoble death in warfare where the corpses remain unburied. The inner frame around the unit I have titled “Destruction by famine and war” presents parallel structures on the subject of pestilence, each of which presents a list of seven afflictions.

As the first five-part structure highlights in its center (v 26) the ravages of war, so the second has its focus on the exile from the land of Israel that is the result of that military debacle (vv 36–37). The word שחיז, “boils,” appears in v 27 (“boils of Egypt”) and again in v 35, where it is set over against another summation of the undoing of the earlier blessings (vv 38–42). The description of these “evil boils” in v 35 is virtually identical to Job’s affliction as presented in Job 2:7.

The general theme of the curses to follow is announced in v 20 in poetic fashion with alliteration in Hebrew: YHWH will send מארה, מהומה, and מגערת, “curse, confusion, and cumbrance.” The inner frame (vv 21–22 and 27–29) follows with two parallel presentations of seven afflictions:

A YHWH will make pestilence cling to you until you are destroyed	<u>28:21</u>
B Consumption, fever, and inflammation (בשחפת בקדחת ובדלקת)	<u>28:22a</u>
X Fiery heat (ובחרחר)	<u>28:22a</u>
B Drought, scorching, and mildew (ובחרב ובשדפון ובירקון)	<u>28:22a</u>
A’ These will pursue you until you perish	<u>28:22b</u>
A YHWH will strike you with boils of Egypt and with hemmorrhoids	<u>28:27a</u>
B And with scurvy and with itch of which you cannot be healed	<u>28:27a</u>
X YHWH will strike you with madness, blindness, confusion of heart	<u>28:28a</u>
B’ You shall grope about like a blind man—you shall not prosper	<u>28:29a</u>
A’ You will be mistreated and robbed—without anyone to help	<u>28:29b</u>

In the first series, the seven deadly forms of pestilence become reified; for “they will pursue you until you perish” (v 22b). The second series is introduced with the “boils” (שחיז) of Egypt, and the structure focuses on the psychological torment that produces insanity (v 28a).

The central section, which describes the destruction by famine and war, is framed by repetition of the words שמים, “heavens,” and ארץ, “earth,” in vv 23 and 26, which appear in reverse order in v 24 as well. The structure of the subunit as a whole may be outlined as follows:

A The skies shall be as brass and the earth as iron	<u>28:23–24</u>
B YHWH will cause you to be defeated before your enemies	<u>28:25a</u>

- X You shall go out against them one way and flee seven ways 28:25b
- B You shall become an object of trembling to all kingdoms 28:25c
- A' Your corpses—food for birds of the heavens and beasts of the earth 28:26

The structure highlights the totality of the destruction, which moves from the heavens to the earth—from drought to military defeat—leaving nothing but corpses to be consumed by birds of the heavens and beasts of the earth.

The expansion of the curses in vv 20–32 concludes with a portrayal of the reversal of the threefold blessing of vv 4 and 11:

- A Loss of wife and home 28:30a
- B A vineyard you shall plant and you shall not use it 28:30b
- X Your ox eaten by others and your ass stolen 28:31a
- B' Your sheep shall be given to your enemies 28:31b
- A' Loss of sons and daughters—helpless, you will see it all 28:32

The concluding note on the bitter sorrow for the great loss of family, home, and property, with “no power (to help) in your hand,” sets the stage for the further expansion of the curses in 28:33–44.

The powerlessness to do anything at all produces insanity (vv 33–34); for “YHWH shall strike you with evil boils ... from the sole of your foot to the crown of your head” (v 35). The picture is that of the suffering of Job at the hands of Satan. In this instance it leads to exile from the promised land “to a nation that you have not known ... and you will serve there other gods of wood and stone” (v 36).

Another portrayal of the reversal of the threefold blessing of vv 4 and 11 follows in vv 38–42, which may be outlined as follows:

- A The locust (הארבה) shall consume your crops 28:38
- B Your vineyards shall be consumed by the worm (התלעת) 28:39
- X Your olive trees will produce no fruit for oil 28:40
- B' Your sons and daughters shall go into captivity 28:41
- A' All your crops will be consumed by the grasshopper (הצלצל) 28:42

The oil of the olive tree is a symbol for joy and comfort lost, for the olives will drop to the ground prematurely—there will be no oil of gladness (v 40). The vineyards will produce no wine because of the worm, which bred in the stale manna of the wilderness

(see Exod 16:20). The outer frame moves from the reference to a plague of locusts (v 38) to that of grasshoppers (v 42), the proverbial source of agricultural disaster.

The expansion of the curses in vv 20–44 concludes with a brief note on the reversal of fortune as the alien, who in times past was a symbol of poverty in the midst of the people of Israel, is now the one to whom the people turn for subsistence: “he will be the head and you will be the tail” (v 44). It should be noted that this is a reversal of the final blessing in the original expansion of the covenant blessings in vv 12–13.

The prosodic analysis suggests that v 20 belongs with the seven afflictions from pestilence in vv 21–22 as a literary unit that scans (4:4):(6:6):(4:4) in accentual stress units. With other minor adjustments in vv 26 and 35, the resultant nine-part structure is essentially the “chiasm” observed by Tigay ([1996] 491):

A Seven afflictions from pestilence	<u>28:20–22</u>
B Drought and famine	<u>28:23–25</u>
C The “sword”—ignoble death in warfare	<u>28:26</u>
D Seven more afflictions (including boils)	<u>28:27–29</u>
X Undoing of the blessings	<u>28:30–32</u>
D’ Oppression and boils sickness (cf. Job)	<u>28:33–35</u>
C’ Exile from the land	<u>28:36–37</u>
B’ Undoing of the blessing	<u>28:38–42</u>
A’ Impoverishment and debt	<u>28:43–44</u>

Tigay noted that the curses delineated here include virtually all of those mentioned in vv 16–19 and also appear to be an elaboration, in reverse order, of the blessings and promises of vv 1–15 ([1996] 542 n. 9). A similar chiastic structure was found by Thompson for vv 25–37, with vv 30–32 as the focal point ([1974] 273).

The evidence assembled by Labuschagne on the use of the divine-name numbers in vv 20–44 may be summarized as follows:

Words:	before <i>’atnāḥ</i>		after <i>’atnāḥ</i>			
<u>28:20–22</u>	28	+	23	=	51	(= 3 × 17)
<u>28:23–26</u>	34	(= 2 × 17)	+	17	=	51 (= 3 × 17)
<u>28:27–28</u>	11	+	6	=	17	
<u>28:29–31</u>	33	+	18	=	51	(= 3 × 17)
<u>28:32–</u>	34	(= 2 × 17)	+	17	=	51 (= 3 × 17)

<u>35</u>		17)				17)
<u>28:36–39</u>	26		+	25	=	51 (= 3 × 17)
<u>28:40–42</u>	12		+	14	=	26
<u>28:43–44</u>	12		+	10	=	22
<u>28:20–44</u>	190		+	130	(= 5 × 26)	= 320
<u>28:1–44</u>	340	(= 20 × 17)	+	226		= 565
<u>28:23–24</u>	13		+	10	=	23
<u>28:47–48</u>	22		+	10	=	32
<u>28:33–44</u>	73		+	63	=	136 (= 8 × 17)
<u>28:38–44</u>	31		+	37	=	68 (= 4 × 17)
<u>28:20–31</u>	106		+	64	=	170 (= 10 × 17)
<u>28:23–31</u>	78	(= 3 × 26)	+	41	=	119 (= 7 × 17)
<u>28:27–31</u>	44		+	24	=	68 (= 4 × 17)
<u>28:30–31</u>	22		+	10	=	32

Once again, we find the divine-name numbers 17 and 26, along with the two numerical values for כבוד, “glory” (23 and 32) woven into the Hebrew text of vv 20–44 in a variety of ways. The most striking observation is that there are a total of 51 (= 3 × 17) words in five of the first six subunits in vv 20–39. Moreover, a major break is found at the end of v 31 with the words וַאֲיִן לְךָ מוֹשִׁיעַ, “and there will not be for you a savior,” which marks the boundary between the two expanded descriptions of future disaster in the prosodic analysis presented in this commentary (vv 20–31 and 32–44).

Comment

20 The three afflictions are alliterated in Hebrew: מארה, מהומה, and מגערת, which Tigay reproduces in English translation as “Curse, Confusion, and Cumbrance”

([1996] 261). The noun **מארה**, “calamity,” comes from the root **ארר**, which means “to curse,” and is the opposite of **ברכה**, “blessing,” in v 8. The term **מהומה**, “confusion,” refers to the turmoil and panic inspired by God in the traditions of Holy War in ancient Israel, often translated “panic” or “discomfit” in the KJV (Josh 10:10; Judg 4:15; 1 Sam 5:11; 7:10, etc.). What we have here is a reversal of YHWH’s Holy War. The term **מגעת**, “cumbrance,” which appears only here in the Hebrew Bible, comes from the root **גער**, “rebuke” or “restrain,” which refers to God “restraining” the rain in vv 23–24 with the resultant crop failures (cf. vv 38–42). According to Craigie ([1976] 342), **מגעת** “denotes the physical expression of God’s anger” (based on MacIntosh, *VT* 19 [1969] 471–79; and Reif, *VT* 21 [1971] 241–44). As Mayes put it, “With God as subject it may also denote the effective working out of his anger, and so come close to the sense of ‘curse’ ” ([1981] 354).

21 The “pestilence” is a severe epidemic of some sort that produces the seven afflictions of the next verse (v 22).

22 Of the seven afflictions listed, some are uncertain because of our limited knowledge of ancient medical terminology: **שחפת**, “consumption,” is probably tuberculosis; **קדחת**, “fever,” may have been malaria; **דלקת**, “inflammation,” is some kind of “burning” disease; **חרחר**, “fiery heat,” may apply to “burning up” of vegetation in the drought; **חרב**, “drought,” is the “heat” of both the sun and of fever; **שדפון**, “scorching,” and **ירקון**, “mildew,” normally refer to crop afflictions but may also be interpreted as human illness such as jaundice and emaciation. For useful discussions of disease in the Bible, see R. K. Harrison (*IDB* 1:847–54) and M. Sussman (*ABD* 6:6–15).

23–24 The likeness of the “heavens” to “brass” (**נחשת**) and the “land” to “iron” (**ברזל**) refers to hot sun and dry ground. The dryness of the cursed soil here stands in sharp contrast to the moist soil of the blessed land in v 12. Wiseman (*Vassal-Treaties*, 88) called attention to a significant parallel to this particular curse in the Esarhaddon treaty, which Thompson ([1974] 273) quotes as follows (ll. 530–33):

Just as rain does not fall from a brazen heaven
So may rain and dew not come upon your fields
And your meadows; may it rain burning coals instead of dew on your land.

The terms “powder and dust” refer to the duststorms stirred up by the parched soil.

25–26 The phrase “seven roads” is used figuratively to express the idea of a large number (cf. v 7 above). The term rendered “object of trembling” (**זעורה**) derives from the Hebrew root **זוע**, “to tremble, quake.” On the image of Israel as an object of trembling, see Jer 15:4; 24:9; 29:18; 34:17. The phrase “your corpses will be food” refers to the unburied bodies of Israel’s fallen warriors (cf. Jer 7:33; 34:20). The phrase

“to frighten them off” refers to protecting the corpses from being consumed by birds of prey. See 2 Sam 21:10.

27 The identifications of the four diseases mentioned here are not certain. The familiar translation “boils of Egypt” is retained here for Hebrew שחין, even though the term probably refers to some kind of dermatitis characteristic of Egypt; Tigay equates it with the sixth of the ten plagues in Egypt (Exod 9:8–12), perhaps skin anthrax ([1996] 263; see also Hort, *ZAW* 69 [1957] 101–2). Mayes suggests possible candidates for the “boils of Egypt” in such diverse ailments as elephantiasis, the “Baghdad Button,” or the “Jericho Rose” ([1981] 354). More recently, Wilkinson identified the boils mentioned here as cutaneous anthrax (*Bible and Healing*, 48). According to rabbinic tradition, both K עפלים and Q טחרים mean “hemorrhoids”; but the former “was considered vulgar (like English ‘piles’) and was therefore replaced with the more polite *tehorim* when the Torah was read in the synagogue” (Tigay [1996] 264; cf. v 30 below). On the identification of this disease see Neustätter, *Bulletin of the History of Medicine* 11 (1942) 36–47. The old Douay version put it rather well when it paraphrased the Hebrew text “the part of thy body, by which the dung is cast out.” The afflictions of גרב, “scurvy,” and חרס, “itch,” are also serious skin afflictions, according to cognates in other Semitic languages. Weinfeld has identified גרב with a form of leprosy (*Bib* 41 [1960] 418 n. 3; cf. Craigie [1976] 344 n. 23).

28–29 The term שגעון, “madness,” is used in 2 Kgs 9:20 to describe the manner in which Jehu drove his chariot in Jezreel. In the present context it probably means ranting and raving. The עורון, “blindness,” here probably refers to psychological incapacitation, along with תמהסן לבב, “confusion of heart,” which means consternation or bewilderment. The people, as if they were blind, will “grope about at noonday” as one does “in the dark.” The interpretation of v 28 in terms of syphilis is debatable, as Craigie has shown ([1976] 344 n. 24).

30–32 The statement that “your eyes ... will be spent with tears for them” presents the picture of “cried-out eyes,” somewhat like the English idiom “to cry one’s eyes out for them.” The specific meaning of the Hebrew idiom אין לאל ידך, translated here as “there will be no power (to help) in your hand,” is problematic. The key phrase here is אל יד, “god of the hand” or “the god who is at one’s side” (C. Brockelmann, “אל יד”, *ZAW* 26 [1906] 29–32). The full meaning of the idiom would then be “the god of PN’s hand has the power to...” Such a reading, however, presupposes “a survival from a pre-monotheistic stage of Hebrew,” as Tigay has noted ([1996] 396 n. 54).

33–34 The reference to “all your toil” is to the products of hard physical labor. The people of Israel will be left with nothing.

35 The שחין רע, “evil boils,” cover the body “from the sole of your foot to the crown of your head”; Job suffered the same affliction (cf. v 27 above and Job 2:7).

36–37 The people of Israel will be sent into exile “to a nation that you have not known.” The wording here, “your king that you will set up over you,” is similar to that of 17:14–20. The institution of kingship is presented as a necessary evil (cf. also 1 Sam

12:13). Hope in the leadership of a king is futile if the people are not faithful to their covenant agreement with YHWH: “you will become a horror [שמה],” a source of consternation. The terms משל, “proverb,” and שנינה, “byword,” indicate that Israel will become an object lesson to others, an object of “sharp” or “cutting” remarks (so Driver [1895] 312).

38–40 The curses here elaborate the summary statement of v 18 and are the converse of the blessings in vv 11–13. An attack of locusts was the eighth of the ten plagues in Egypt. The “worm” (תלעת) will consume their “vineyards.” “And oil you will not have to anoint yourself” because the olive trees will fail.

41–42 With so few people left to work the land, it will be overrun with destructive insects. That צלצל, “buzzing cricket,” here forms an inclusion with ארבה, “locust swarm,” of v 38 suggests that we have here another destructive insect, which “will possess (the land).” If so, the so-called mole cricket (*Gryllotalpa*) is a good candidate for צלצל (Aharoni, *Osiris* 5 [1938] 478; see Tigay [1996] 397 n. 69).

Explanation

One of the more important lessons of the long list of curses in Deut 28 is also a primary lesson in the story of the prophet Jonah: the simple fact that “there is no running from God but by running to him, no fleeing from his justice but by fleeing to his mercy” (M. Henry, *Exposition of the Old and New Testament* [1828] 681). Jonah was convinced that he was free to disobey God by fleeing to Tarshish. A close reading of that text, however, reveals that Jonah was not in fact free to disobey God. Nor are we. The only person in the story of Jonah who is actually free is God, who is even free to change his own mind (Jonah 3:10 NRSV: “God *changed his mind* about the calamity that he had said he would bring upon them; and he did not do it”), and to give the very words he entrusts to his prophet a meaning other than what the prophet himself understands.

According to the text of Deut 28, the curse of God follows a person wherever one may choose to go, for there is no escape from the relentless “hound of heaven.” Jonah’s flight from God’s presence took him to “the roots of the mountains” in the nether world; but even in the Pit there was no way to escape from God (Jonah 2:5–6). As the summary curses here in Deut 28:16–19 put it, “Cursed are you in the city; and cursed are you in the field.... Cursed are you in your coming in; and cursed are you in your going out” (cf. Prov 3:33). The book of Job speaks to the same issue: “They will flee from an iron weapon; a bronze arrow will strike them through” (Job 20:24 NRSV). The imagery is similar to that of the prophet Amos, when he described the “day of the LORD”: it is “as if someone fled from a lion, and was met by a bear; or went into the house and rested a hand against the wall, and was bitten by a snake” (Amos 5:19 NRSV).

Whatever the sinner does is under the curse—“in all the undertakings of your hand that you shall do,” (v 20) there is constant vexation of disappointment, for God’s curse in vv 15–19 is the opposite of his blessing in vv 1–14. The enumeration of those curses in the expansions that follow (vv 20–44, 45–68) in ever more focused detail of horror is intended to evoke a deep and lasting impression on the hearer. The judgments of God in vv 20–44 focus primarily on sufferings from pestilence (vv 21–22), famine, and war

(vv 23–26), leading to the loss of everything, including the very promised land itself in the bitterness of exile (vv 36–37).

Those who are subject to the covenant curses will be plundered of all their enjoyments, including their homes and their families (vv 30–32). Their sons and daughters will be carried into captivity (v 41). Those who remain shall be insulted and tyrannized by strangers (vv 43–44). Such was the case with the Northern Kingdom, which fell to the might of the Assyrian Empire in the eighth century B.C.E. (2 Kgs 17:24), and to the Southern Kingdom of Judah that fell to King Nebuchadnezzar of Babylon at the beginning of the sixth century B.C.E. (2 Kgs 24–25).

When the text of Deut 28:15–68 is read with knowledge of the subsequent history of ancient Israel, the curses assume the nature of prophetic speech in describing what Craigie called “an awful inevitability” ([1976] 341). It is not hard to understand the response of King Josiah to these very words: “And when the king heard the words of the book of the law, he rent his clothes” in dismay (2 Kgs 22:11). Moreover, when we realize that we as God’s people today have the same sinful nature as they, then the inevitability of the curse weighs heavily upon us too. “It is at this point that the gospel message of the New Testament casts light into the darkness evoked by the curse” (Craigie [1976] 341). He then cites the words of William Blake, in his poem “The Everlasting Gospel,” which merit repetition:

Jesus was sitting in Moses’ chair.
They brought the trembling woman there.
Moses commands she be stoned to death.
What was the sound of Jesus’ breath?
He laid his hand on Moses’ law.
The ancient heavens in silent awe,
Writ with curses from pole to pole.
All away began to roll.

“The inevitability of the curse can be removed only by Jesus, and that is possible only because ‘he redeemed us from the curse of the law, having become a curse for us’ (Gal. 3:13)” (Craigie [1976] 341).

c. Third Expansion: Utter Privation in Siege Warfare (28:45–57)

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Translation and Prosodic Analysis

These Curses Will Pursue You Until You Are Destroyed [6:6]

⁴⁵ <i>And all these curses / will come upon you //</i>	24	2
<i>and they will pursue you / and they will overtake you /</i>	16	2
<i>until / you are destroyed //</i>	7	2_
<i>Because you did not hearken / to the voice / of YHWH your God /</i>	20	3
<i>to keep / his commandments and his statutes /</i>	14	2
<i>that he commanded you //</i>	<u>5</u>	1_

Israel’s Utter Privation—“in want of all things” [(5:6):(6:5)]

⁴⁶ <i>And they will be with you / as a sign / and as a wonder //</i>	18	3
<i>and with your descendants / forever //</i>	11	2_
⁴⁷ <i>Because / you did not serve / YHWH your God /</i>	19	3
<i>with joy \ and with goodness of heart //</i>	13	1
<i>from the abundance / of everything //</i>	6	2_
⁴⁸ <i>And you will serve your enemies /</i>	13	1
<i>the ones whom YHWH will send / against you /</i>	13	2
<i>In hunger and in thirst /</i>	12	1
<i>and in nakedness / and in want of everything //</i>	15	2_
<i>And he will put / a yoke of iron / upon your neck /</i>	15	3
<i>until he has destroyed / you //</i>	<u>10</u>	2_

Military Siege and the Undoing of God’s Blessing [(5:7):(6:6):(7:5)]

⁴⁹ <i>YHWH will raise up against you a nation / from afar /</i>	19	2
<i>from the end of the earth /</i>	8	1
<i>that will swoop / like the eagle //</i>	9	2_
<i>A nation / whose language \ you do not understand //</i>	13	2
⁵⁰ <i>a nation \ of fierce countenance //</i>	7	1
<i>Who will show no regard / to the old /</i>	16	2

	<i>and the young / will receive no compassion /</i>	9	2_
51	<i>And it will devour / the fruit of your livestock </i>	11	2
	<i>and the fruit of your ground / until you are destroyed /</i>	17	2
	<i>who will not leave behind / for you /</i>	10	2_
	<i>Grain / new wine and oil /</i>	12	2
	<i>the calving of your herds / and the lambing of your flock //</i>	17	2
	<i>until it annihilates / you //</i>	11	2_
52	<i>And it will besiege you / in all your towns /</i>	14	2
	<i>until your walls come down /</i>	10	1
	<i>The high and the fortified ones /</i>	12	1
	<i>in which you / are trusting / throughout all your land //</i>	19	3_
	<i>And it will besiege you \ in all your towns /</i>	14	1
	<i>in all your land /</i>	5	1
	<i>that YHWH your God / has given / to you //</i>	16	3_
A Gruesome Climax: Cannibalism [(5:4):(5:4):(5:5):(4:5):(4:5)]			
53	<i>And you will eat the fruit of your own womb /</i>	11	1
	<i>the flesh of your sons / and your daughters /</i>	13	2
	<i>that YHWH your God / has given to you //</i>	18	2_
	<i>In the siege / and in the straits /</i>	12	2
	<i>with which your enemy / besieges you //</i>	13	2_
54	<i>The man / the tenderest among you / and dainty / exceedingly //</i>	18	4
	<i>his eye will be evil </i>	7	1_
	<i>Against his brother /</i>	5	1
	<i>and against the woman of his bosom /</i>	10	1
	<i>and against the rest of his children / that he has spared //</i>	15	2_
55	<i>From giving \ to one of them /</i>	9	1
	<i>some of the flesh of his children / that he is eating /</i>	13	2
	<i>because he has nothing left to him / of anything //</i>	11	2_
	<i>In the siege / and in the straits /</i>	12	2
	<i>with which your enemy / besieges you / in all your towns //</i>	23	3_
56	<i>The tenderest woman among you / indeed the daintiest one /</i>	15	2
	<i>who would not try to set the sole of her foot / on the land /</i>	21	2_
	<i>In spite of her daintiness \ and her tenderness //</i>	12	1
	<i>her eye will be evil / against the man of her bosom /</i>	14	2
	<i>and against her son / and against her daughter //</i>	11	2_
57	<i>And her afterbirth / that goes out \ from between her legs /</i>	20	2
	<i>and her children / that she bears /</i>	14	2_

<i>Indeed she will eat them out of lack of everything \ in secret //</i>	17	1
<i>in the siege \ and in the straits /</i>	12	1
<i>to which your enemy / reduces you / in <all> your towns //</i>	<u>22</u>	3_

Notes

45.a. SP, OL, and Syr. read **השמיד(ו)**, “they will destroy you,” for MT **השמדך**, “(until) you are destroyed” (cf. vv 20 and 24).

47.a. Reading *ṭiphā*’ as conj. because of misplaced *’atnāḥ*.

48.a. Some LXX witnesses add ἐκεῖ, “there” (= **שם**). Prosodic analysis supports MT.

48.b-b. Vg. reads *inimico tuo*, “your enemy” (= **איבך**) for MT **איביך**, “your enemies”; *Tg. Ps.-J.* reads **איביכם**, “your [pl.] enemies.”

48.c-c. Omitted in LXX. Prosodic analysis supports MT.

49.a. SP reads **יראה**, “it will see,” for MT **ידאה**, “it will swoop.”

49.b. Reading *ṭiphā*’ as conj. because of misplaced *sillûq*.

50.a. Reading conj. accent *mahpāk*, which is the same sign as *yētîb*.

51.a. Reading the sequence of *·azlā* followed by *mêrēkā* as disj.

51.b-b. Some Heb. MSS, SP, and Syr. read **השמידך**, “it will cause you to be destroyed,” for MT **השמדך**, “you are destroyed.” OL presupposes **השמידוך**, “they will destroy you” (cf. v 45 above).

51.c. A few Heb. MSS, OL, and Syr. add *waw*-conj. Prosodic analysis supports MT.

52.a. LXX omits **בל**, “all.”

52.b. Reading *paštā*’ followed by *zāqēp qātôn* as conj.

52.c. LXX omits **בל**, “all.”

52.d-d. Omitted in LXX. Prosodic analysis supports MT.

52.e-e. Omitted in LXX. Prosodic analysis supports MT.

53.a-a. Omitted in SP, LXX; one Heb. MS omits **אלהיך**, “your God.”

53.b. A number of Heb. MSS, Cairo Geniza fragments, and SP read **איביך**, “your enemies,” for MT **איבך**, “your enemy.”

53.c. SP and *Tg. Ps.-J.* read pl. for MT sg. **יציק**, “he besieges.”

54.a. Reading the sequence of *·azlā* followed by *mahpāk* as disj.

55.a. Reading *lēgarmēh* as conj.

55.b-b. SP, LXX, OL, and Vg. read pl. forms **יציקו לך איביך**, “your enemies will reduce you.”

56.a-a. Omitted in Vg.; LXX and *Tg. Ps.-J.* read 2 pl.

56.b. LXX adds $\sigma\phi\acute{o}\delta\rho\alpha$, “exceedingly” (= **מאד** from v 54).

56.c. SP reads **הציגה** for MT **הצגה**, “to set her foot,” with no change in meaning.

56.d. Reading *tiphā*’ as conj. because of misplaced *’atnāh*.

56.e. SP, LXX, and Vg. omit *waw*-conj.

57.a. Reading **הי(ו)צאת**, “it comes (forth),” with a number of Heb. MSS and SP for MT **היוצת**, with no change in meaning.

57.b. Reading *lēgarmēh* as conj.

57.c. LXX reads $\kappa\alpha\iota\ \tau\acute{o}\ \tau\acute{\epsilon}\kappa\nu\omicron\nu\ \alpha\upsilon\tau\eta\varsigma$, “and her (young) child,” for MT **ובבניה**, “and her (newborn) children.”

57.d. Reading *tiphā*’ as conj. because of misplaced *’atnāh*.

57.e. Reading *paštā*’ followed by *zāqēp qātōn* as conj.

57.f-f. SP reads **יציקו לך איביך**, “your enemies reduce you.”

57.g. Reading **בכל-שעריך**, “in all your towns,” with most LXX (= $\acute{\epsilon}\nu\ \pi\acute{\alpha}\sigma\alpha\iota\varsigma\ \tau\alpha\acute{\iota}\varsigma\ \pi\acute{o}\lambda\epsilon\sigma\acute{\iota}\nu\ \sigma\omicron\upsilon$), as in v 55. Adding the word “all” (**כל**) here brings the total word count in 28:45–57 to 221 (= 13×17).

Form/Structure/Setting

The ravages of war and exile from the land of Israel, which were in focus at the center of the two five-part concentric structures in the first and second expanded description of future disaster (vv 20–44), are developed further in vv 45–57, which deals primarily with military defeat and its consequences. The section opens with an

introductory verse (v 45) stating the theme that is reiterated in detail: servitude, starvation, and abject poverty (vv 47–48). It then describes a natural sequence of dire consequences: invasion on the part of a distant nation who will show no mercy (vv 49–50), pillage of livestock and crops (v 51), siege (v 52), and starvation leading to cannibalism, which is described at length in horrible detail (vv 53–57).

The opening verse (28:45) functions as a connecting link. It looks back to 28:15, which marked the beginning of the six curses in the covenant ceremony at Shechem, for the two verses are virtually identical, though in reverse order, as Tigay points out ([1996] 268):

A If you will not hear the voice of YHWH your God ...	<u>28:15a</u>
B All these curses will overtake you	<u>28:15b</u>
X The curses of <u>28:16–19</u> and <u>20–44</u>	<u>28:16–44</u>
B' All these curses will ... overtake you	<u>28:45a</u>
A' Because you have not heard the voice of YHWH your God	<u>28:45b</u>

It also looks back to 28:20, as Craigie has noted ([1976] 347), such that we may outline the three verses in a similar manner:

A If you will not hear the voice of YHWH your God ...	<u>28:15a</u>
B All these curses will overtake you	<u>28:15b</u>
X YHWH will send upon you curse, confusion, and cumbrance	<u>28:20</u>
B' All these curses will ... overtake you	<u>28:45a</u>
A' Because you have not heard the voice of YHWH your God	<u>28:45b</u>

At the same time, the verse introduces the disasters of 28:46–57.

From a prosodic point of view, the remainder of this section is in three parts: 28:46–48, 49–52, and 53–57. Israel's coming punishment is presented as a just reversal of their former prosperity: "Because you did not serve YHWH your God ... from the abundance of everything" (28:47). For that reason they now face utter privation "in want of everything" (28:48).

The course of the coming military conquest in 28:49–52 is presented in concentric fashion:

A YHWH will raise up against you a nation from afar	<u>28:49</u>
B Who will show no mercy to the old or the young	<u>28:50</u>
X That nation will undo the blessing of <u>28:3–13</u>	<u>28:51a–b</u>
B' Until it annihilates you	<u>28:51c</u>

A' That nation will besiege you in all your towns

28:52

The central verse (28:51) includes most of the familiar phrases of Israel's blessing from 28:4 and 11, and the undoing of that blessing in 28:30–32 and 38–42. The first half of the outer frame in this structure has the word “nation” functioning as an envelope in 28:49–50a, whereas the second half has the statement “it will besiege you in all your towns” functioning in the same manner in 28:52. The two sentences may be outlined as follows:

A	“YHWH will raise up against you a nation”	ישא יהוה עליך גוי	<u>28:49a</u>
B	“from afar, from the end of the earth,”	מרחוק מקצה הארץ	
X	“that will swoop like the eagle,”	כאשר ידאה הנשר	
B'	“a nation whose language you do not understand,”	גוי אשר לא-תשמע לשנו	<u>28:49b</u>
A'	“a nation of fierce countenance”	גוי עז פנים	<u>28:50a</u>
A	“And it will besiege you in all your towns”	וחצר לך בכל-שעריך	<u>28:52a</u>
B	“until your walls come down,”	עד רדת חמתך	
X	“the high and the fortified ones”	הגבהות והבצרות	
B'	“in which you are trusting throughout all your land”	אשר אתה בטח בהן בכל-ארצך	
A'	“and it will besiege you in all your towns”	והצר לך בכל-שעריך	<u>28:52b</u>

In this reading, the nation whom God has appointed to undo Israel's covenant blessings is described in the regal image of an eagle swooping down on its prey to destroy “impregnable” fortresses in his path.

The final gruesome scene of the inhabitants of Israel reduced to cannibalism may also be outlined in a five-part concentric structural pattern:

A You shall eat your children “in the siege and in the straits”

28:53

B The man—“his eye will be evil against his brother”

28:54

- X He will not share “*in the the siege and in the straits*” 28:55
- B' The woman—“her eye will be evil against the man of her bosom” 28:56
- A' She will eat them in secret “*in the the siege and in the straits*” 28:57

The curse here is made more painful by repetition of the words “fruit of your own womb” (28:53), which also appear as part of the covenant blessing in 28:4. The famine in the land will cause such utter desperation that even the most natural human instincts of compassion will be destroyed: husbands and wives will turn against each other and their own children, refusing to share their meager portion of human flesh.

Identical words appear at the beginning, in the middle, and at the end of the above concentric structure: **במצור ובמציק אשר יציק לך איבך**, “in the the siege and in the straits with which your enemy besieges you.” These words constitute the motivating cause for the horrible scenes delineated on the part of husbands (vv 54–55a) and their wives (vv 56–57a), who eat the flesh of their own children in order to survive. For parallel references to cannibalism in ancient Near Eastern texts, see Weinfeld, *DDS*, 126–29.

The gruesome climax of the curses in 28:53–57 are used to shape the telling of the narrative in 2 Kgs 6:24–31 on the siege and fall of Samaria to Ben-hadad, king of Syria. The use of the curses here on the part of the prophet Jeremiah are evident in Jer 4:13; 5:15, 17; 19:9; 28:14; 48:40; and 49:22. See also Lam 2:20; 4:10.

The evidence assembled by Labuschagne on the use of the divine-name numbers in 28:45–57, modified by the addition of the word **כל**, “all,” in the second half of v 57, may be summarized as follows:

Words:	before 'atnāḥ	after 'atnāḥ				
		ḥ				
<u>28:45</u>	9		+	11	=	20
<u>28:46–48</u>		26	+	13	=	39
<u>28:49–50</u>	13		+	13	=	26
<u>28:51–52</u>		33	+	14	=	47 (= ארור)
<u>28:53–57</u>		52 (= 2 × 26)	+	37	=	89
<u>28:45–57</u>	133		+	88	=	221 (= 13 × 17)
<u>28:47–48</u>	22		+	10	=	32
<u>28:52–53</u>		26	+	17	=	43 (= 17 + 26)

<u>28:52</u>	15	+	11	=	26
<u>28:53</u>	11	+	6	=	17
<u>28:54–</u> <u>55</u>	16	+	17	=	33

Once again, the use of the divine-name numbers here corroborates the structure determined independently on the prosodic analysis presented in this commentary with each of the subunits, except for vv 45 and 51–53, having the divine-name number 26 woven into the fabric of the Hebrew text. Moreover, the total number of words in 28:45–57 as a whole comes to 221 (= 13 × 17). Both divine-name numbers appear in the totals for vv 52 and 53 and various combinations of the verses throughout the unit.

The numerical value of Hebrew אָרוּר, “cursed,” appears as the total word count for vv 51–52 (cf. 28:15–19).

Comment

45 “All these curses” are reified in the sense that “they will pursue you and they will overtake you.” Nonetheless, they remain under God’s absolute control (see *Comment* on 28:2 and 28:20).

46 “They will be with you as a sign and as a wonder.” Since the terms אֹתוֹת, “signs,” and מוֹפְתִים, “wonders,” are used for the ten plagues in Egypt (see 4:34; 6:22; 34:11), we have here another grand reversal with Israel treated as Egypt was in times past. In Num 17:3 and 25, the term אֹת has the meaning “warning” or “lesson,” which is probably the intent here as well.

47–48 The verb עָבַדְתָּ (לֹא), “you did (not) serve,” is in the perfect tense. Craigie observes, “Within the address on the curse, the speaker is so carried away by his theme that it now seems that the curse is inevitable, and the words are almost as if the curse had already been put into effect” ([1976]348). Because the people did not serve YHWH “with joy and with goodness of heart” over the “abundance of everything,” they “will serve their enemies ... in hunger and in thirst and in nakedness and in want of everything.” Muffs finds significant linguistic parallels in Akkadian literature to the phrase בְּשִׂמְחָה וּבְטוֹב לֵבָב, “with joy and goodness of heart,” in which the words are used metaphorically to mean “willingly” and “with spontaneity” (*Love and Joy*, 121–24). To receive the blessing of God and to experience no joy in it and to offer no thanks for it was to invite the curse of God. The total privation conveyed in the phrase “in want of everything” (בְּחֶסֶר כָּל; cf. v 57) comes as the result of military conquest. The “yoke of iron” is a common metaphor to express submission to foreign rule (cf. Jer 27:8–12; 28:2–4, 11–14). In short, “The curse of God reverses the history of salvation: God had brought his people out of Egypt, where they served an enemy; but because in the course of time they rejected God’s love, they would be assigned once again to serve an enemy, forfeiting all the privileges of the covenant” (Craigie [1976] 348).

49–50 Mayes argues that the existence of a common tradition in the language of treaty curses, not direct literary dependence, explains the contacts between these two verses and Isa 5:26–29; Jer 5:15–19; 6:22–24; Hab 1:5–11 ([1981] 356). The nation

“will swoop like the eagle” in the sense that its appearance will be sudden and without warning (cf. Hos 8:1; Jer 48:40). The phrase פְּנִים עֹז, “fierce countenance,” refers to the ruthless character of the enemy as spelled out in what follows: they “will show no regard to the old, and the young will receive no compassion” (cf. Isa 13:18; 47:6; Lam 4:16; 5:12–13). On the word עֹז as meaning “angry,” see Muff’s discussion (“Hebrew *.oz* = Akkadian *ezzu*, ‘anger,’ ” in *Love and Joy*, 103–5). Craigie calls attention to the play on words here ([1976] 349): “a nation fierce of face who do not lift up faces” (i.e., “show no compassion”).

52 Though the term וְהִצַּר, which appears twice in this verse, comes from the root צָרַר, “to bind, be restricted,” rather than צוּר, “to besiege,” it means essentially the same thing in this context, as Tigay notes: “it will besiege you” ([1996] 397 n. 84; cf. Jer 4:31; 49:24).

53–57 Israel is here presented in sharp moral contrast to the fierce enemy of the previous verses. The siege and famine that result will be so intense that the people will eventually resort to cannibalism, even eating their own children; and husbands and wives will be unwilling to share their meager portion of human flesh with each other. On cannibalism in ancient Israel see 2 Kgs 6:28–29; Isa 9:19; Lam 2:20; 4:10. It also occurred during the final siege of Jerusalem in the days of the Second Temple as reported by Josephus (J. W. 6.3.4 §§201–13). The phrase translated “the fruit of your own womb” appears also in the blessing of v 4. In the phrase בַּמְצוֹר וּבַמְצוֹק, translated here as “in the siege and in the straits,” a double meaning appears to be intended for the first word. Normally the word מְצוֹר means “siege,” as the RSV has rendered it. The meaning “distress,” which appears in the JPSTanakh translation, is reading מִצָּר, “straits, distress,” for MT מְצוֹר. Tigay says the reading מְצוֹר was selected to rhyme with מְצוֹק such that the text intends “both meanings as a double-entendre” ([1996] 270). “The man, the tenderest among you and dainty exceedingly,” will eat the most disgusting food, which he will jealously guard from even “the woman [wife] of his bosom,” toward whom one would expect the warmest feelings (v 54). “His eye will be evil” means that he will “eye grudgingly.” The gender of the same words is reversed in v 56 so as to read “the most refined and gentle woman,” where the horror is carried even further as she secretly consumes “her afterbirth that goes out from between her legs,” and the newborn infant as well, to avoid sharing them with her husband and older children. The phrase “who remain” (אֲשֶׁר יוֹתִיר), in the sense of surviving the invasion and famine (with RSV), can be rendered, as it is here, “that he has spared” (v 54)—those whom the fastidious man has not slaughtered and eaten (with *Tanakh*).

Explanation

The portrayal of destruction that follows is more dreadful, with Israel experiencing utter privation in siege warfare (vv 45–57), culminating in the complete reversal of Israel’s history (vv 58–68), in which YHWH causes them to return to Egypt (vv 66–68). If the people of Israel refuse to “hearken to the voice of YHWH your God to keep his commandments and his statutes,” then “all these curses will come upon you and they

will pursue you and they will overtake you until you are destroyed” (v 45). The severity of the destruction shall stand “as a sign and as a wonder” to future generations (v 46). If they would not serve God “with joy and with goodness of heart” (v 47), they shall be compelled to “serve [their] enemies ... in want of everything” (v48). The coming military siege will result in the total undoing of God’s blessing of times past at the hands of “a nation from afar, from the end of the earth, that will swoop down like the eagle ... until it annihilates you” (vv 49–51).

The climactic portrayal of utter depravation is the most gruesome scene in the Bible, as the severity of the ensuing famine reduces the populace to starvation and the inhuman behavior of cannibalism in which they kill and eat their own children (v 53). It is interesting to note that Jesus, in his farewell address to his disciples, spoke in somewhat similar fashion of a “desolating sacrilege” in the city of Jerusalem, as foretold by the prophet Daniel, in which there would be “great suffering, such as has not been from the beginning of the world until now, no, and never will be” (Matt 24:15–21 NRSV).

d. The Complete Reversal of Israel’s History (28:58–68)

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Translation and Prosodic Analysis

You Will Experience the “Plagues” of Egypt [(6:6:8):(8:8)]

58	<i>If you are not careful / to do / all the words / of this Torah /</i>	23	4
	<i>written / in this scroll //</i>	12	2_
	<i>To fear / the name / this honored and awesome / One /</i>	20	4
	<i>namely / YHWH your God //</i>	11	2_
59	<i>Then YHWH will inflict / on you blows /</i>	14	2
	<i>and / blows on your descendants //</i>	9	2_
	<i>Blows that are great / and lasting /</i>	15	2
	<i>and afflictions that are evil / and lasting //</i>	<u>17</u>	2_
60	<i>And he will return upon you / every disease of Egypt /</i>	16	2
	<i>from which you were in dread / of them //</i>	9	2
	<i>and they will cling / to you //</i>	8	2
61	<i>indeed every sickness / and every blow /</i>	10	2_
	<i>That / is not written / in the scroll / of this Torah //</i>	19	4
	<i>YHWH will bring / against you / until / you are destroyed //</i>	<u>16</u>	4_

Your Numbers Will Be Decimated [8]

62	<i>And you will be left / a scant few / after having been /</i>	18	3
	<i>as the stars of the heavens / for multitude //</i>	15	2
	<i>because you did not heed / the voice / of YHWH your God //</i>	<u>19</u>	3_

YHWH Takes Delight in Destroying You [6:6]

63	<i>And it shall be / just as YHWH took delight / in you /</i>	17	3
	<i>by doing good for you / and by multiplying you /</i>	15	2
	<i>so YHWH will take delight \ in you /</i>	13	1_
	<i>By causing you to perish / and by destroying you //</i>	15	2
	<i>and you will be plucked / from off the ground /</i>	14	2
	<i>that you are entering / to possess it //</i>	<u>14</u>	2_

YHWH Will Scatter You among the Nations [(4:4):(4:4)]

64	<i>And YHWH will scatter you / among all the peoples /</i>	16	2
	<i>from one end of the land / to the other end of the land //</i>	18	2_
	<i>And you will serve there other gods /</i>	17	1
	<i>that you have not known / you or your fathers /</i>	18	2
	<i>of wood and stone //</i>	7	1_
65	<i>And among these nations / you will find no ease /</i>	17	2
	<i>and there will be no rest / for the sole of your foot //</i>	15	2_

<i>And YHWH will give you there / an anguished heart /</i>	16	2
<i>and cried-out eyes / and a dry throat //</i>	<u>16</u>	2_
YHWH Will Make You Return to Egypt [(7:4):(2:2):(7:4)]		
⁶⁶ <i>And your life will / hang in doubt / before you //</i>	18	3
<i>and you will be in dread / night and day /</i>	14	2
<i>and you will have no assurance / of your life //</i>	12	2_
⁶⁷ <i>In the morning you will say / If only it were evening /</i>	14	2
<i>and in the evening you will say / If only it were morning //</i>	<u>17</u>	2_
<i>From the dread of your heart / that you will dread /</i>	14	2
<i>and from the sight of your eyes / that you will see //</i>	<u>15</u>	2_
⁶⁸ <i>And YHWH will return you / to Egypt / in mourning /</i>	18	3
<i>by the way / that I told you /</i>	13	2
<i>never again will you / see it //</i>	13	2_
<i>And you will sell yourselves there to your enemies /</i>	14	2
<i>as male and female slaves / but there will be no buyer //</i> ס	<u>18</u>	2_

Notes

59.a. Some Heb. MSS and SP add **אלהיך**, “your God.” Prosodic analysis supports the shorter text of MT.

59.b. A few Heb. MSS, Syr., and Vg. read **מד(ו)תיד** for MT **מכתך**, “blow(s) upon you,” with no change in meaning.

59.c. A few Heb. MSS read **וחלאים** (from **חלא**, “to be sick”) for MT **וחלים**, “and afflictions”; two Heb. MSS and Cairo Geniza fragments read **וחליים**.

60.a. Reading **מדוי**, “disease of” (constr. form), with some Heb. MSS, Cairo Geniza fragments, SP, Syr., Tg., and Vg., for MT **מדוה**, “disease of.”

60.b. SP reads 3 sg. **ודבק**, “it will cling,” for MT **ודבקו**, “they will cling.”

61.a. Reading masc. sg. **הזה**, “this,” to agree with **ספר**, “scroll,” with some Heb. MSS, SP, LXX, OL, Syr., and Tg. for MT **הזאת** (fem. sg.) to agree with **תורה**, “Torah, instruction” (cf. 29:20; 30:10; 31:26).

61.b. One Heb. MS, SP, Syr., and Vg. read **השמידך**, “he exterminates you,” for MT **השמדך**, “you are destroyed.”

62.a. SP, LXX, OL, and *Tg. Ps.-J.* read 2 pl.

62.b. See previous note; some LXX witnesses read 1 pl. here.

63.a. Reading *paštā* followed by *zāqēp qāṭon* as conj.

63.b. LXX adds *ἐν τάχει*, “quickly” (= **מהר**), which is possible in terms of mora count. The emendation would disturb the carefully worked out numerical composition of 28:58–68, which has 78 (= 3 × 26) words after *'atnāh*. The passage is closely connected to 28:69, for the total of words in 28:58–69 is 208 (= 8 × 26). Adding a word here would destroy both of these features.

65.a. SP omits *waw*-conj.

65.b. SP reads **ודיבון**, “Dibon” (?), with one MS reading **ומדיבון**, “and from Dibon” (?), for MT **ודאבון**, “dryness (of throat).”

68.a. Sebire and SP read **מצרימה**, “to(ward) Egypt,” for MT **מצרים**, “Egypt”; a few MSS have **צ** maj.

68.b. Reading MT **בְּאֲנִיּוֹת**, “in ships,” as **בְּ אֲנִיּוֹת**, an abstract pl. of **אֲנִיָּה**, “in mourning” or “in a lamentful condition,” with J. Z. Meklenburg (*Ha-Ketav ve-ha-Kabbalah* [Leipzig, 1839], cited by Tigay [1996] 397 n. 104) and others. One SP MS reads **באוניות**.

68.c. SP and *Tg. Ps.-J.* read 2 pl.

68.d. Vg. reads *venderis*, “you [sg.] will sell yourself” (= **התמכרת**); a few MSS read **כ** maj.

68.e. Reading the sequence of *paštā* followed by *dargā* as disj.

68.f. SP, LXX, Syr., and Tg. read 2 pl. **לאיביכם**, “to your [pl.] enemies,” for MT **לאיביך**, “to your [sg.] enemies.”

Form/Structure/Setting

The content of 28:58–68 forms the conclusion to the long and complex list of covenant curses in Deut 28; taken as a whole, the content may be outlined as follows:

A Blessings for obedience and curses for disobedience

B Expansion of curses: pestilence, famine, and disease	<u>28:1–19</u>
X Expansion of curses: oppression, exile, and slavery	<u>28:20–32</u>
B' Expansion of curses: utter privation in siege warfare	<u>28:33–44</u>
A' The complete reversal of Israel's history	<u>28:45–57</u>
	<u>28:58–68</u>

The outer frame in this structure moves from the summary statement of the covenant blessings and curses (vv 1–19), to the complete reversal of Israel's history for violating the terms of the covenant (vv 58–68), followed by a brief summation of the whole matter in v 69. Within that frame we find a three-part expansion of the covenant curses with a description of oppression, exile, and a return to slavery in the middle (vv 33–44).

The structure of 28:45–68 may be outlined in a similar five-part concentric structure, a “wheel within a wheel”:

A These curses will pursue you <i>until you are destroyed</i>	<u>28:45</u>
B Israel's utter privation— <i>in lack of everything</i>	<u>28:46–48</u>
X Military siege and the undoing of God's blessings	<u>28:49–52</u>
B' Israel reduced to cannibalism— <i>in lack of everything</i>	<u>28:53–57</u>
A' Complete reversal of Israel's history <i>until you are destroyed</i>	<u>28:58–68</u>

The disasters presented in 28:58–68 not only undo the blessings promised in 28:1–15 but also completely reverse Israel's history—sending them back to “slavery” in Egypt! The outer frame includes repetition of the words **עד השמדך**, “until you are destroyed” (vv 45, 61). The inner frame in this structure is made up of parallel accounts of utter privation, both of which contain the words **בחסר כל**, “in want of everything” (vv 48, 57). In the center we find an account of a military siege to be waged against Israel that results in the undoing of the covenant blessings (vv 49–52).

The structure of 28:58–68 may be described as another “wheel within a wheel.” From a prosodic point of view this section is in five parts: vv 58–61, 62, 63, 64–65, and 66–68. The boundaries of the first three of these units are marked by the *Numeruswechsel* at the beginning and end of vv 62 and 63. The boundary at the end of v 68 is marked with both the *Numeruswechsel* and the *sētūmā*' layout marker. It is only the boundary between vv 65 and 66 that must be determined on the basis of content and internal prosodic structure. The content of the whole may be outlined in a five-part concentric structure:

A YHWH will bring back upon you the “ <i>plagues</i> ” of Egypt	<u>28:58–61</u>
B You will be decimated in numbers	<u>28:62</u>
X YHWH takes delight in destroying you	

28:63

B' YHWH will scatter you among the nations

28:64–65

A' YHWH will make you *return to Egypt*

28:66–68

What is most disturbing about this climactic structure, within the lengthy presentation of the covenant curses of Deut 28, is its center. Here YHWH himself declares that he takes delight in destroying Israel (v 63). In this reading the first and last prosodic units (vv 58–61 and 66–68) form an inclusion that focuses attention on Egypt in different ways. In the former instance, YHWH is bringing back upon the people of Israel the diseases of Egypt (v 60), one of which is מכה, translated as “blow” here (it may also be translated “plagues”; see also v 59, where this word appears three times). This unit (vv 58–61) is set over against vv 66–68, in which YHWH declares that he will make the people “return to Egypt in mourning” (see *Comment*). What we have here is a grand reversal of the epic story of Israel’s exodus from Egypt. Israel made their original descent into Egypt because of famine. Once again they will experience famine and poverty so severe that in order to obtain sustenance they will seek to become slaves in Egypt, only to suffer refusal; for “there will be no buyer” (v 68).

In the first half of the inner frame (v 62), we learn that their numbers will be reduced to what they were before the “blessing in Egypt” (Exod 1:1–7), which set the stage for the birth of Moses and the exodus from Egypt. The means to that end are presented in the parallel prosodic unit (vv 64–65): “YHWH will scatter you among all the peoples from one end of the land to the other.” In that setting there will be no rest for the weary.

The evidence from Labuschagne’s analysis on the use of the divine-name numbers in 28:58–69 may be summarized as follows:

Words:	before 'atnāḥ	after 'atnāḥ				
		ḥ				
<u>28:58–61</u>	39		+	22	=	61
<u>28:62</u>		9	+	6	=	15
<u>28:63</u>		17	+	8	=	25
<u>28:64–65</u>		18	+	21	=	39
<u>28:66–68</u>		27	+	21	=	48
<u>28:58–68</u>	110	(= 2 × 55)	+	78	(= 3 × 26)	= 188
<u>28:58–69</u>		124	+	84	=	208 (= 8 × 26)
<u>28:1–69</u>		595 (= 35 × 17)	+	397	=	992
<u>28:58–</u>	19		+	15	=	34 (= 2

<u>59</u>						×
						17)
<u>28:58–</u> <u>60</u>	28	+	17	=	45	
<u>28:62–</u> <u>63</u>	26	+	14	=	40	
<u>28:63–</u> <u>64</u>	26	+	19	=	45	
<u>28:66–</u> <u>69</u>	41	+	27	=	68	(= 4 ×
						17)
<u>28:68–</u> <u>69</u>	26	+	13	=	39	

Although the divine-name numbers 17 and 26 are not a dominant feature within the five rhythmic subunits, as determined by the prosodic analysis, the evidence does suggest that the scribes of ancient Israel labored carefully to integrate this passage into the larger pattern of their numerical composition. The divine-name number 17 appears in v 63, which occupies the central position in the concentric structure of the five major subunits in 28:58–68. In this verse, which declares that YHWH takes delight in destroying Israel, there are 17 words before *'atnāḥ*. Moreover, there are a total of 78 (= 3 × 26) words after *'atnāḥ* in 28:58–68 taken as a whole. The total number of words before *'atnāḥ* is 110 (= 2 × 55). Labuschagne has much to say about what he calls the “minor tetraktys,” in which the number 55 is the triangular number of 10 (the triangular number of 10 is the sum of the numbers 1 through 10), the decade, which is the triangular number of 4 (1 + 2 + 3 + 4 = 10). The compositional model 55 = 23 + 32 is used frequently throughout the Hebrew Bible. Labuschagne explains the significance of the numbers 23 and 32 in terms of the numerical value of the word כבוד, “glory.” כבוד = 23 or 32 depending on whether ך = 11 or 20; without the *waw* כבד = 17 or 26 (i.e., the divine-name number). See *Excursus: “Deuteronomy as a Numerical Composition.”*

It is the integration of 28:58–68 into its larger literary context where the use of the divine-name numbers is most impressive, for there are exactly 208 (= 8 × 26) words in 28:58–69, and 595 (= 35 × 17) words before *'atnāḥ* in 28:1–69. In short, God’s name is carefully woven into the fabric of the Hebrew text throughout the long list of covenant curses in Deut 28.

Comment

58 At this point in the long list of curses, which is presented with a sense of inevitability, Moses reminds the reader/hearer once again that the matter is conditional. That v 58 does not begin with וְהָיָה, “and it will come to pass” (as in v 15), indicates that this verse can be read as the conclusion to vv46–57. All these things will come to pass “if you are not careful to do all the words of this Torah.” At the same time, the primary function of the verse is that of the protasis of a conditional sentence that continues in v 59.

The reference to “all the words of this Torah written in this scroll,” which functions as a frame around vv 58–61, anticipates 31:9, where the Torah is first written down by Moses and entrusted to the Levites. The repeated words in v 61 appear in reverse order: “written in the scroll of this Torah.” Attention is already focused here on future generations who will receive the teachings (Torah) of Moses in written form. On the meaning of the injunction to “fear” God, see the *Comment* on 10:12 and on 6:2. The use of “the name” (השם) without a pronominal suffix to refer to God himself is unusual in the Pentateuch, appearing only here and in Lev 24:11. This usage is common in subsequent Jewish practice to the present day. One wonders if this reference to the ineffable Name is also an attempt to call attention to the hidden ways in which this name is woven into the fabric of the Hebrew text in terms of its numerical composition.

59–60 The term מכות, “blows,” which appears three times in v 59 and again in v 61, is often translated as “plagues.” These plagues will be “extraordinary ones” in the sense that they will be “great [i.e., ‘severe’] and lasting.” God will afflict Israel with “every disease of Egypt” from which he had earlier promised to protect them (7:15). See also v 27 above and the *Comment* there on the so-called boils of Egypt.

61 The reference to what “is not written in the scroll of this Torah” has parallels in statements appended to extant Near Eastern treaty documents outside the Bible. Tigay says the expression “a plague that is not written in the Torah” is still used today in modern Hebrew to refer to a severe and unusual affliction ([1996] 272).

62 The population of Israel will once again become what it was before the multiplication in Egypt (Exod 1:7). The two phrases מתי מעט, “a scant few” and ככוכבי השמים, “as the stars of the heavens for multitude,” appear earlier 1:9; 10:22; and 26:5 in reference to YHWH’s blessing in multiplying his people in times past. The process is reversed here.

63 Y. Muffs says the term שש, translated here as “took delight,” carries a volitional sense: “was determined to ... will be determined to” (*Love and Joy* [New York: Jewish Theological Seminary, 1992] 121–93; see also Tigay [1996] 272). The wording “to cause you to perish” implies a strong contrast to 26:5, where the same verbal root appears (אבד, “to perish”). God took a single “perishing” (אבד) Aramean and made from him a people of vast numbers, so long as they were obedient. If they proved to be disobedient, he would diminish those numbers again by making his people “perish” (להאבד). The verb נסח, which appears in the statement “you shall be plucked from off the ground,” has cognates outside the Bible with the same sense of “deportation” (Tigay [1996] 397 n. 100; Held, *JANESCU* 11 [1979] 53–67).

64–65 On serving “other gods that you have not known ... of wood and stone,” see the *Comment* on 4:28. In exile the people of Israel “shall find no ease and there shall be no rest.” On the image of “cried-out eyes” see the *Comment* on 28:32. The translation of ודאבון נפש as “a dry throat” is taken from Tigay ([1996] 273, 397 n. 101), who cites Gruber (*VT* 37 [1987] 365–69; cf. Pss 69:4 [Eng. 3]; Jer 2:25).

66–67 Their “life will hang in doubt” as the refugees face horror “night and day,” finding each so unbearable that they long for the other—in the morning they long for evening; and in the evening they long for morning.

68 The Hebrew **והשיבך**, which is translated here as “shall make you return (to Egypt),” forms an inclusion with the “diseases of Egypt” in v **60**. The reading they are to be returned “in mourning” (**אניות**) is that of Meklenburg as cited by Tigay ([1996] **273**). Craigie suggests the possibility of translating **אניות** here as “in ease, casually,” on the basis of Ugaritic evidence, following J. Gray, who offered a similar rendering in **Judg 5:17** (*Joshua, Judges and Ruth*, NCBC [London: Nelson, 1967] 287–88). Such a reading offers “a further contrast between the blessing and the curse. God had brought his people out of Egypt, and together they had fought every inch of the way. Forgetting that great redemption, the people under the curse would be permitted to return casually to Egypt, the land of their bondage” (Craigie [1976] **353**). The statement that they are to return to Egypt “by the way that I told you never again will you see it” is connected in some way with similar words in the so-called Law of the King in **17:14–20** (see *Comment on 17:16*). The people of Israel will attempt to sell themselves as slaves in Egypt; but “there will be no buyer.”

Explanation

The undoing of the blessings in **28:58–68** is essentially a final reversal of Israel’s history. The curses reverse the blessings of God and constitute a final and awesome warning for future generations. In Egypt of times past, God afflicted the Egyptians with severe diseases in order to bring the people of Israel to their blessing. In the curse of God, the diseases of Egypt will be inflicted on Israel, not on their enemies; and for good measure, God will add disease and affliction that even the Egyptians never knew (vv **60–61**). In the blessing of God, Israel’s ancestors went down into Egypt few in number and multiplied there according to God’s ancient promises. In the curse of God, they will become few in number once again, their numbers growing smaller and smaller until finally they are destroyed altogether (v **63**). In the blessing of God, the people of Israel looked forward to the gift of the promised land, a gift that was partially fulfilled for the two and a half tribes who had already gained possession of their land. In the curse of God, the people would be forcibly removed from the promised land and scattered abroad among the nations, where they will find no rest (vv **64–65**).

The fullness of God’s blessing lay in serving and loving YHWH alone (**6:4–5**). The emptiness of living under God’s curse will be experienced in serving lifeless gods of wood and stone (**28:64b**). In the blessing of God, distant nations will fear Israel, who is confident in God. In the curse of God, the people of Israel will be constantly suspended in fear (vv **65–67**). The blessing of God meant a long life in the promised land. But under the curse of God the people would not know from one moment to the next if they would even be allowed to remain alive (vv **66–67**). In the blessing of God, the people of Israel were brought out of Egypt and freed from slavery. In the curse of God, they will return once again to Egypt, where they will offer themselves for sale as slaves; but the Egyptians will consider them of no value (v **68**). Having rejected the honor of serving God, they will no longer be fit even to be slaves in Egypt.

The great reversal of Israel’s history described in **28:58–68** is YHWH’s own doing. It is YHWH himself who “will take delight in you by causing you to perish, and by destroying you” (v **63**). The same conclusion was reached in **Lam 2:1–17** and **4:11–12**, which function as a framework around a marvelous portrayal of the other side of the coin, namely that YHWH will not reject his people forever. Though this conclusion is not reached in **Deut 28** itself, it is the central message in Lamentations, the content of

which is shaped in large measure by the covenant curses of Deuteronomy. Lamentations may be outlined as follows:

A The desolation of Zion (Jerusalem)	<u>Lam 1</u>
B YHWH has done what he purposed	<u>Lam 2</u>
X YHWH will not reject his people forever	<u>Lam 3</u>
B' Zion's children are ravaged by YHWH's own wrath	<u>Lam 4</u>
A' The desolation of Zion (Jerusalem)	<u>Lam 5</u>

Much of the content of desolation of Zion in the outer frame of this structure reflects in detail the horrible curses of Deut 28, including the section on cannibalism (vv 53–57; cf. Lam 4:10) and the great reversal of Israel's history in Deut 28:58–68.

A simple lesson emerges from careful reflection on the whole of this lengthy account of the covenant curses in Deut 28: to stand in awe before God and to turn from our sin. When King Josiah heard the words of this Torah read in Jerusalem, “he tore his clothes” and declared: “great is the wrath of the LORD that is kindled against us, because our ancestors did not obey the words of this book, to do according to all that is written concerning us” (2 Kgs 22:11–13 NRSV). In sharp contrast, King Jehoiakim took the scroll of the prophet Jeremiah and cut it up with a penknife and burned it piece by piece (Jer 36:23) rather than heed its message. We do well to emulate the example of Josiah rather than Jehoiakim; for destroying or ignoring the text of these covenant curses accomplishes nothing. The message stands true now, as then, that God has determined that indeed “the wages of sin is death” (Rom 6:23), whether we choose to hear and obey, or harden our hearts and go our own way. At the same time, God's mercy remains extended to all, for “the free gift of God is eternal life in Christ Jesus our Lord” (Rom 6:23).

e. Summation: “These Are the Words of the Covenant” (28:69 [Eng. 29:1])

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Translation and Prosodic Analysis

Summary: “These Are the Words of the Covenant” [4:4]

28:69(29:1) <i>These are the words of the covenant /</i>	10	1
<i>that YHWH commanded Moses / to make /</i>	15	2
<i>with the children of Israel /</i>	9	1_
<i>In the land of Moab // in addition to the covenant /</i>	14	2
<i>that he made with them / at Horeb // פ</i>	<u>13</u>	2_

Notes

69.a. SP and LXX add *waw*-conj., which is possible from a prosodic point of view. MT is followed here because it is easier to explain the addition of the conj. than its omission. Adding it strengthens the tie with what precedes, and the verse already appears in MT as the concluding verse of Deut 28 rather than the first verse of Deut 29.

Form/Structure/Setting

Scholars have long noted a series of titles in Deuteronomy, and these have been explained in various ways. Thus 4:45 is sometimes taken to be the introduction to the original scroll of Deuteronomy, prior to its insertion within the so-called Deuteronom(ist)ic History (Joshua through 2 Kings). The conclusion to that scroll is presumed to be the covenant blessings and curses of Deut 28, and thus 4:45 and 28:69 are sometimes explained as an envelope around 4:44–11:32 // 27:1–28:69, which constitutes the major part of the inner frame of Deuteronomy (chaps. 4–11 and 27–30).

It is better to see this verse as the structural center of Deut 26–30 (weekly readings 7 and 8 taken together) as outlined in detail above in the introduction to the seventh weekly portion (26:1–29:8). That outline may be summarized as follows:

A Public worship at the festivals in the promised land	<u>Deut 26</u>
B The covenant blessings and curses	<u>Deut 27–28</u>
X Summation: “These are the words of the covenant”	<u>Deut 28:69</u>
B’ The covenant is for future generations too	<u>Deut 29</u>
A’ The terms of the covenant are doable	<u>Deut 30</u>

Deut 28:69 thus functions both as the conclusion to the basic covenant renewal ceremony in 26:16–28:69 (as Craigie and others have argued) and the beginning of the covenant in the land of Moab, which Lohfink and others have identified with 28:69–32:47.

It is useful to place 28:69 within the context of the seventh weekly portion of Torah readings from Deuteronomy in terms of the specific prosodic subunits as determined in the prosodic analysis presented here. The content of the seventh reading may be outlined in a menorah pattern:

A Preview: two liturgies for worship in the promised land

B Transition: mutual commitments in covenant renewal	<u>26:1–15</u>
C Covenant renewal at Shechem—a litany of curses	<u>26:16–19</u>
X Blessings and curses of the covenant in Moab	<u>27:1–26</u>
C' Final curse—a complete reversal of Israel's history	<u>28:1–57</u>
B' Transition: “These are the words of the covenant”	<u>28:58–68</u>
A' Review: the <i>Magnalia Dei</i> as the basis of the covenant	<u>28:69</u>
	<u>29:1–8</u>

The ceremonies of public worship at the central sanctuary in ancient Israel in the first half of the outermost frame in this structure include a liturgy for the annual presentation of firstfruits at the central sanctuary (26:1–11) and a liturgy for the triennial tithe (26:12–15), which was stored in local towns. This preview of future worship in the promised land is set over against a brief review of the “mighty acts of God” (*Magnalia Dei*) in times past, which acts constitute the basis of the covenant relationship between YHWH and his people Israel (29:1–8). The second frame is made up of two brief transitional passages: mutual commitments made between the people and YHWH (26:16–19) and the summary statement, “These are the words of the covenant” (28:69). The inner frame opens with the account of the Shechem ceremony of covenant renewal that dramatizes Israel's covenant responsibilities (27:1–10) and the litany of ten covenant curses pronounced by the twelve tribes from Mount Ebal and Mount Gerizim (27:11–26). It concludes with the final curse, which is the complete reversal of Israel's history (28:58–68). In the center we find the long section on the blessings for obedience and curses for disobedience to the covenant stipulations (28:1–57).

The summary command in 28:69 and the similar such summary command in 29:8 function as a frame around a brief summary of YHWH's Holy War (see *Excursus: “Holy War as Celebrated Event in Ancient Israel”*) from the perspective of Moses, which may be outlined as follows:

A Summary: “These are the words of the covenant”	<u>28:69</u>
B The exodus from Egypt remembered	<u>29:1–3</u>
X God's provision for forty years in the wilderness	<u>29:4–5</u>
B' The conquest of the two Amorite kings in Transjordan	<u>29:6–7</u>
A' Summary: “You shall keep the words of this covenant”	<u>29:8</u>

In short, 28:69 is a pivotal text, which ties together a number of different structures within Deuteronomy. From a prosodic perspective, it is primarily a part of what follows in 29:1–8, as shown in the next section of this commentary.

From antiquity there has been difference of opinion in regard to how this verse functions within its larger context. In the MT the verse concludes chap. 28 and thus belongs with the blessings and curses. In the LXX tradition and other translations,

including English Bibles, the verse is considered to be the first verse of chap. 29. The reason for this ambiguity is simply that the verse belongs to both sections. Besides its function as a bridge connecting Deut 28 and 29, this verse is also connected with more distant texts—in particular, with Deut 1:1, which begins: “These are the words that Moses spoke.” The text goes on to spell out that Moses spoke what YHWH commanded him to say (1:3). Moreover, he began to expound what these words meant in the form of “this Torah” (1:5). The text echoes Moses’ words in 5:2: “YHWH our God has cut with us a covenant in Horeb.” Here in 28:69 we find: “These are the words of the covenant that YHWH commanded Moses to make with the children of Israel.”

Deut 28:69 also forms an inclusion with 28:58 and its reference to “all the words of this Torah written in this scroll.” Its place within that context may be outlined in another menorah pattern:

A If you are not careful to do <i>all the words of this Torah</i>	<u>28:58</u>
B You will experience the plagues of Egypt	<u>28:59–61</u>
C Your numbers will be decimated	<u>28:62</u>
X YHWH will take delight in destroying you	<u>28:63</u>
C' YHWH will scatter you among the nations	<u>28:64–65</u>
B' YHWH will make you return to Egypt	<u>28:66–68</u>
A' These are <i>the words of the covenant</i>	<u>28:69</u>

It appears that 28:69 is an important part of the editorial structuring of Deuteronomy as a whole. Lohfink argues that the verse is to be taken as the first verse of a new unit and traces elements of the treaty pattern in the section that follows (*BZ* 6 [1962] 32–56). This conclusion stands, but so does the close structural connection to what precedes it as well.

Comment

69 The reference to “the covenant that he made with them at Horeb” as well as the covenant “in the land of Moab” makes clear that there is direct continuity between these two covenant ceremonies. In Moab “the covenant that he made with them at Horeb” was renewed—as it was again later at Shechem. At the same time, both covenants are new in the sense that each reflects the continuing living relationship established between YHWH and his people. It should be noted that this verse is closely connected with 29:9, as is shown in the following section, where the word **ברית**, “covenant,” also appears. That word appears five times in Deut 29 (vv 9, 12, 14, 21, 25), while it is used only once in all the laws in the central core (in 17:2). The verse functions as an introduction to what follows; but at the same time it is dependent on the preceding chapters, as an essential connecting link within the macrostructure of Deuteronomy and the Book of the Covenant in Exodus. The law of Moses in Moab is covenant law, and is thereby placed on the same footing as the covenant law given at Sinai.

Explanation

The prophet Jeremiah later spoke of “a new covenant” that YHWH “will make with the house of Israel after those days” (Jer 31:31–34). Later still, Jesus at the Last Supper declared: “This cup ... is the new covenant in my blood” (Luke 22:20; 1 Cor 11:25), which will be poured out for the forgiveness of sins (Matt 26:28). Like the old covenant at Sinai, this new one is sealed with a fellowship meal and blood sacrifice. Like Moses on Mount Sinai, Jesus, on another mountain, gave a new covenant law (Matt 5–7). The teaching of Jesus, his example, and his life constitute the commandments of the new covenant (John 15:12; 13:14–15, 34). For Christians, the promise of the Mosaic covenant at Horeb and Moab (and Shechem) continues. It is part of God’s unfolding redemptive plan; and, as such, the covenant remains essentially one. As Lohfink once put it in the title of a provocative study, “the covenant was never revoked” (*The Covenant Never Revoked*).

E. Remembering the Past: The Magnalia Dei (29:1–8 [Eng. 2–9])

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Translation and Prosodic Analysis

YHWH’s Mighty Acts in Egypt [8]

¹⁽²⁾ And Moses summoned / all Israel /	14	2
and he said to them // “You yourselves have seen /	14	2

all that YHWH did before your eyes /	18	1
In the land of Egypt / to Pharaoh and to all his servants /	19	2
and to all his land //	<u>7</u>	1_
Israel's Lack of Understanding [7:7]		
²⁽³⁾ The great / feats / that <i>your eyes / have seen</i> //	21	4
<i>these / great / signs and the marvels</i> //	21	3_
³⁽⁴⁾ <i>Indeed YHWH has not given / you a mind / to understand /</i>	18	3
<i>nor eyes to see / nor ears to hear // to / THIS DAY //</i>	<u>22</u>	4_
YHWH's Provisions for Forty Years in the Wilderness [7:7]		
⁴⁽⁵⁾ “ I led you / forty years / in the wilderness //	21	3
Your garments did not wear out / from upon you /	18	2
and <i>your sandal(s) did not wear out / from upon your feet //</i>	19	2_
⁵⁽⁶⁾ <i>Bread \ you did not eat /</i>	7	1
and wine or other intoxicant / you did not drink //	14	2
so \ you may know / that / I am YHWH / your God' //	<u>22</u>	4_
The Conquest and Settlement of Transjordan [7:7]		
⁶⁽⁷⁾ “And you came / to this place //	15	2
and Sihon king of Heshbon came out /	14	1
And Og king of Bashan to meet us / for battle /	23	3
and we struck them //	<u>4</u>	1_
⁷⁽⁸⁾ And we took / their land / and we gave it as an inheritance /	17	3
to the Reubenites / and to the Gadites //	14	2
and to the half / tribe of Manasseh //	13	2_
Summary Command to Keep the Terms of the Covenant [8]		
⁸⁽⁹⁾ “And you shall keep / <all> the words / of this covenant /	17	3
and you shall do / them //	9	2
so that you will be successful / with / all that you do // פ	<u>17</u>	3_

Notes

2.a. LXX, Syr., and *Tg. Ps.-J.* read 2 pl.

2.b. Some Heb. MSS, one LXX MS, and OL add *waw*-conj. Prosodic analysis supports MT.

3.a. Reading *waw emphaticum*.

4.a. LXX, Syr., and Vg. read 3 masc. sg.

4.b-b. Some Heb. MSS and SP read שמלו(ו)תיכם for MT שלמתיכם. Both terms are used for an outer garment.

4.c-c. SP, LXX, Syr., *Tg. Ps.-J.*, and Vg. read ונעליכם לא בלו מעל רגליכם, “and your [pl.] sandals did not wear out from upon your [pl.] feet.” MT, which reads 2 sg. forms, is retained as *lectio difficilior*.

5.a. Reading *yētīb* as conj.

5.b. Reading *paštā* followed by *zāqēp qātōn* as conj.

5.c-c. LXX reads ὅτι οὗτός (ἐστίν) κύριος ὁ θεὸς ὑμῶν, “that this is the Lord your God.”

6.a. Reading the sequence of *azlā* followed by *dargā* as disj. Note in particular the *metheg* under the מלך, “king.”

6.b. Some of the more important LXX witnesses read 2 pl.

7.a. LXX reads 1 sg.

7.b. The term לנחלה, “as an inheritance,” is omitted in one Heb. MS; SP, Syr., and *Tg. Ps.-J.* omit the *waw*-conj. Prosodic analysis supports MT.

8.a. With LXX adding πάντα (= כל, “all”). The addition of this one word to the Hebrew text brings the total of words in 27:1–29:8 to 1,428 (= 7 × 12 × 17). See discussion at the end of *Form/Structure/Setting*.

Form/Structure/Setting

The seventh of the eleven weekly portions of the Torah readings from Deuteronomy (26:1–29:8) comprises eight verses of chap. 29 that function as a fitting conclusion to the section as a whole. The content of these verses may be described with the phrase G. Ernest Wright used so often, the *Magnalia Dei* (“mighty acts of God”), which may be outlined as follows:

A Preview: two liturgies for worship in the promised land	<u>26:1–15</u>
B Transition: mutual commitments in covenant renewal	<u>26:16–19</u>
X Covenant renewal in Moab and Shechem: blessings and curses	<u>27:1–28:68</u>
B' Transition: “These are the words of the covenant”	<u>28:69</u>
A' Review: the basis of the covenant in the mighty acts of God	<u>29:1–8</u>

The section begins with the words, “when you come into the land that YHWH your God is giving you” (26:1); and it ends with the injunction, “you shall keep the words of this covenant ... so that you will be successful with all that you do” (29:8). The outer frame in this structure moves from a pair of litanies that anticipate future worship in the promised land (26:1–15) to a brief review of God’s redemptive activity in Israel’s behalf, from the exodus from Egypt to the conquest and settlement of Transjordan (29:1–8). The inner frame is made up of two brief transitional passages (26:16–19 and 28:69), which function as a frame around the central concern of the whole: the matter of covenant renewal in the days of Moses in Moab, and in the promised land at Shechem in time to come.

Deut 26:1–11 includes a liturgical confession that every male Israelite used each year as he presented the firstfruits of his labors to YHWH at the central sanctuary in behalf of his household. This was followed by another brief confession to be used every three years when the special triennial tithe was presented symbolically in a basket at the central sanctuary (26:12–15), though the tithe itself was stored for use in local towns throughout the land. Then the focus shifts to the matter of the covenant renewal itself (27:1–29:8), which was celebrated in a special way in the sabbatical year, beginning with the observance of Passover and the Feast of Unleavened Bread at Shechem “in the day when you cross over the Jordan into the land that YHWH your God is giving you” (27:2), in which “all the words of this Torah” were to be written on large plastered stones for the people to see and read. The season of covenant renewal “every seventh year, at the set time, the year of release, at the Festival of Booths” (31:10), climaxed with a memorable recitation of Deuteronomy to musical accompaniment.

The boundaries of the five prosodic subunits in 29:1–8 are marked with the *Numeruswechsel* (changing between second singular and plural forms) in each of the first five verses and the *pētûhâ*’ marker after v 8. Moreover, the fourth unit (vv 6–7) displays an extension of the *Numeruswechsel* with a change from second-person plural to first-person plural forms in vv 6 and 7, which separates v 8 from what precedes. The *Numeruswechsel* in the middle of the third unit (vv 4 and 5) marks the center of 28:69–29:8, taken as a whole. The change in speaker in vv 4–5, as Moses here quotes YHWH directly, should also be noted.

The five-part concentric structure of 28:69–29:8 may be outlined as follows:

A Summary: “These are the words of the covenant”	<u>28:69</u>
B Moses speaks: the exodus from Egypt remembered	<u>29:1–3</u>
X YHWH speaks: “I led you forty years in the wilderness”	<u>29:4–5</u>
B’ Moses speaks: conquest of the Amorite kings in Transjordan	<u>29:6–7</u>
A’ Summary: “You shall keep the words of this covenant”	<u>29:8</u>

The text of 29:1–8 can be analyzed further into three prosodic subunits that highlight the specific message in matters of detail:

A <i>You have seen</i> what YHWH did before <i>your eyes</i>	<u>29:1a</u>
B In the land of Egypt to Pharaoh and all his servants	<u>29:1b</u>

- X Great feats that *your eyes have seen* 29:2a
- B' These great signs and marvels 29:2b
- A' YHWH has not given *eyes to see* nor ears to hear 29:3

From a structural point of view, the key words in vv 1–3 are the noun עינים, “eyes,” and the verb ראה, “to see,” each of which appears three times in three verses. The outer frame presents a contrast: you have seen what YHWH has done before your eyes (v 1a); but, even so, YHWH has not given you “eyes to see” in the sense of understanding (v 3). In the land of Egypt, YHWH has done great signs and marvels “that your eyes have seen” (vv 1b–2).

At this point, the narrative shifts to first person, with Moses quoting the words of YHWH himself:

- A I have led you forty years in the wilderness 29:4a
- B Your garment and sandals did not wear out from upon you 29:4b
- B' It was not bread you ate nor wine and liquor that you drank 29:5a
- A' So you may know that I am YHWH your God 29:5b

The point is that it was not natural food that God provided in the wilderness. The people survived on manna, quail, and water provided directly by God, for “not by bread alone do humans live” (8:3). The outer frame in this structure is in the first person singular (vv 4a and 5b), and the inner frame (vv 4b and 5a) is in the second person.

The narrative continues with Moses describing the conquest and settlement of the two Amorite kingdoms in Transjordan:

- A And you came to this place 29:6a
- B And Sihon and Og came to meet us for battle and we struck them 29:6b
- B' And we gave their land to Reuben, Gad, and Manasseh (east) 29:7
- A' You shall keep the words of this covenant to be successful 29:8

The first phase of YHWH’s Holy War within the promised land was the defeat of the two Amorite kings, Sihon and Og, and the settlement of the tribes of Reuben, Gad, and half of the tribe of Manasseh in their place. The outer frame in this structure is in the second person (vv 6a and 8), whereas the inner frame (vv 6b and 7) is in the first person plural.

The recital of the *Magnalia Dei* in 29:1–8 functions in two different ways. Within the context of the seventh of the eleven weekly readings of the Torah in the lectionary cycle (26:1–29:8), it is a fitting conclusion to YHWH’s Holy War as celebrated event in the life of ancient Israel. By “Holy War” I mean the events of the exodus-eisodus, the mighty acts of God in delivering Israel from bondage in Egypt under Moses and the

<u>27:1–10</u>	81		+	72	=	153	(= 9 × 17)
<u>27:11–26</u>	113		+	61	=	174	
<u>28:1–14</u>	119	(= 7 × 17)	+	79	=	198	
<u>28:15–69</u>	476	(= 4 × 7 × 17)	+	31 8	=	794	
<u>29:1–8</u>	53		+	56	=	109	
<u>27:1–29:8</u>	841		+	58 7	=	1,428	(= 7 × 12 × 17)

Once again the divine-name numbers 17 and 26 are woven into the fabric of the text in different ways. The total number of words in vv 4–8, which is essentially a review of Israel’s past (i.e., the forty years in the wilderness and the conquest and settlement of Transjordan), is 64—the numerical value of the word “Israel.” There are 23 (= כבוד, “glory”) before *’atnāh* in these same five verses. The two divine-name numbers 17 and 26 are used to tie 29:1–2 together with 28:69. The most intriguing figure, however, is the total number of words in 27:1–29:8 (on the covenant renewal ceremony in Moab and Shechem): 1,428 (7 × 12 × 17). The number 7 signifies “worship” (the Sabbath is the seventh day), the number 12 stands for Israel (12 tribes), and the number 17 is associated with both the divine name YHWH and כבוד, “glory.” Once again, the scribes of ancient Israel have labored to the glory of YHWH in the numerical composition of the biblical text.

Comment

1–2 The opening statement that Moses “summoned” (ויקרא אל) indicates that he is continuing the proclamation of the covenant ceremony that includes the blessings and curses of 28:1–68. Moses reminds the people what God did in their behalf “in the land of Egypt to Pharaoh and to all his servants.” “The great feats ... these signs and marvels” refer to the ten plagues that led to the crossing of the sea in the exodus from Egypt.

3 In spite of the mighty acts of God in delivering the people of Israel from slavery in Egypt, they still were not able to grasp what this meant. At first glance their obtuseness appears to be the responsibility of God himself, for the text says: “YHWH has not given you a mind to understand, nor eyes to see, nor ears to hear.” The Hebrew לב, “mind,” is literally “heart” (see *Comment* on 6:5). As Tigay has observed, “Moses’ statement that God had not given Israel the capacity to understand its experiences has puzzled commentators. If it means that the perception necessary to understand the religious meaning of historical experiences ... comes only from God, how could God have held the rebellious Exodus generation responsible for its faithlessness?... However, a similar thought is expressed in 30:6, where Moses promises that after Israel repents in exile, God will open up the people’s hearts and enable them to love Him. This seems to imply

that God does give the heart the capacity for faith, but that He does so for those who seek it.... as the Talmud says, ‘When a person seeks to purify himself, he receives help in doing so’ ” ([1996] 275–76, citing *b. Shab. 104a* and parallels).

4–5 Moses here quotes God, who reminds the people of his care for them for “forty years in the wilderness.” On their supernatural food and the miraculous preservation of their clothing, see *Comment* on 8:1–6. The emphatic position of לֶחֶם, “bread,” and יַיִן וְשֵׂכָר, “and wine or other intoxicant,” here indicates that it was supernatural food and water that sustained them up to this point in time. The word תִּדְעוּ, “know,” is used here in the sense of legal recognition, as found also in ancient treaty texts, where it refers to the overlord’s recognition of his vassal and vice versa.

6–7 The phrase “this place” refers to the land of the two Amorite kings, “Sihon king of Heshbon” and “Og king of Bashan.” Their defeat by Israel under Moses’ leadership marks the end of the first phase of YHWH’s Holy War in Transjordan, which will continue under Joshua in Cisjordan. It is possible that we have here an extension of the more familiar *Numeruswechsel*, which normally involves the change between singular and plural forms. Here we move from second plural (vv 5–6) to first plural forms (vv 6–7), perhaps to mark the boundaries of subunits in the larger literary structure (cf. also the “we” passages in 1:19; 2:1; 3:1; 29:14–15, 18, 28; 30:12–13).

8 The summary command “you shall keep the words of this covenant” forms an inclusion with “the words of the covenant” in 28:69.

Explanation

An important lesson to be learned from 29:1–3 concerns spiritual blindness. In spite of great “signs and marvels” witnessed by the people of Israel, in which their clothing did not wear out and they ate extraordinary food supplied by God himself, the people were without understanding. They lived in full view of God’s marvelous handiwork, and yet they did not have “a mind to understand, nor eyes to see, nor ears to hear” (v 3). Jesus spoke of this phenomenon by quoting the words of the prophet Isaiah in Matt 13:13–15 to the effect that God himself must in some way be responsible for spiritual blindness. The text here, however, suggests that the reason is simply that God has not yet given them eyes to see and ears to hear. John Calvin once said, “Men are ever blind in the brightness of light, until they have been enlightened by God” (citation from G. E. Wright, *IB* 2:503).

As Paul put it in another quotation from Isaiah, “All day long I have held out my hands to a disobedient and contrary people” (Rom 10:21). They cannot see because their eyes are blinded through disobedience to what God has already revealed to them (cf. Rom 11:1–10).

Reading 8: Appeal for Covenant Loyalty (29:9–30:20 [Eng. 29:10–30:20])

The eighth of the eleven weekly portions in the lectionary cycle of Torah readings from Deuteronomy (29:9–30:20) is known as **נֹצְבִים**, “taking one’s stand,” which is descriptive of its content, as individuals are invited to take their stand as obedient members of the covenant community. The covenant is intended not only for those who are “here with us standing today before YHWH our God”; it is also with those who are “not here with us today” (29:14)—that is, for all future generations of God’s people. The entire weekly portion in 29:9–30:20 may be outlined in a menorah pattern:

A The covenant is binding on future generations too	<u>29:9–14</u>
B Warning to those with reservations about keeping the covenant	<u>29:15–20</u>
C The exile from the land of Israel foretold	<u>29:21–27</u>
X Secret and revealed things: Do all the words of this Torah!	<u>29:28</u>
C’ The possibility of restoration after exile	<u>30:1–10</u>
B’ God’s commandments are doable	<u>30:11–14</u>
A’ The choice before you is between life and death—choose life	<u>30:15–20</u>

The framework (A, X, A’) in this structure moves from a statement of the situation that the covenant is binding on future generations (29:9–14) to urging each individual to choose life rather than death (30:11–20)—by deciding to “do all the words of this Torah” (29:28). The first frame (B, B’) moves from a warning to those with reservations about keeping the covenant (29:15–20) to an assurance that God’s commandments are indeed doable (30:11–14). The innermost frame moves from a prediction of exile from the land of Israel (29:21–27) to a presentation of the possibility of restoration after exile (30:1–10).

Each of the two chapters (Deut 29 and 30) may be outlined in a five-part concentric structure:

A Summary command to keep the terms of the covenant	<u>29:1–8</u>
B The covenant is binding on future generations too	<u>29:9–14</u>
X Warning to those with reservations on keeping the covenant	<u>29:15–20</u>
B’ Exile from the land is foretold for breaking the covenant	<u>29:21–27</u>
A’ Secret and revealed things: Do all the words of this Torah!	<u>29:28</u>

In this reading, the message of Deut 29 presents the warning of what will happen to those who do not keep the covenant in times to come: “YHWH uprooted them from their soil in anger and in fury and in great rage; and he cast them into another land” (29:27).

A The possibility of returning to YHWH is there

B When you return, YHWH will return the covenant blessings	<u>30:1–5</u>
X God’s commandments are doable	<u>30:6–10</u>
B I have set before you the choice between life and death	<u>30:11–14</u>
A’ So choose life by obeying YHWH’s commandments	<u>30:15–18</u>
	<u>30:19–20</u>

The message is clear: even in exile, the possibility of returning to YHWH is there (vv 1–5), so make the choice to live in obedience to YHWH’s commandments (vv 19–20). When the people choose to return to YHWH, he will once again restore the covenant blessings (vv 6–10). The choice between life and death is before God’s people (vv 15–18), for his commandments are doable (vv 11–14).

A. The Covenant Is Binding on Future Generations Too (29:9–14 [Eng. 10–15])

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Translation and Prosodic Analysis

The Covenant Is Binding on Future Generations Too [9:7] [(4:5):(5:4)] [7:9]

⁹⁽¹⁰⁾ You are stationed TODAY / all of you /	13	2
before the presence of / YHWH your God //	<u>12</u>	2
Your heads your judges / your elders / and your officials /	22	3
every / man of Israel //	9	2_
¹⁰⁽¹¹⁾ Your little ones your wives / and <i>your resident alien</i> /	12	2
<i>who / are in the midst of your camp //</i>	9	2
<i>from your woodchopper / to / your water hauler //</i>	<u>21</u>	3_
¹¹⁽¹²⁾ That you may enter / into the covenant / of YHWH your God /	18	3
and into his oath of fealty //	9	1_
That / YHWH your God /	11	2
is cutting with you / TODAY //	11	2
¹²⁽¹³⁾ in order that he may establish you TODAY /	<u>15</u>	1_
For him as a people / with him being for you / as a God /	19	3
just as / he promised you //	7	2_
And just as he swore /	6	1
to your fathers / to Abraham and to Isaac / and to Jacob //	<u>24</u>	3_
¹³⁽¹⁴⁾ And it is not with you / you alone //	10	2
I / cut / this covenant / and this / oath //	29	5_
¹⁴⁽¹⁵⁾ But with the one who is / here / with us /	15	3
standing TODAY / before / YHWH our God //	20	3
and with the one who is not / here / with us TODAY //	<u>20</u>	3_

Notes

9.a-a. Emending MT שבטיכם, “your tribes,” to read שפטיכם, “your judges,” with LXX, which reads οἱ ἀρχίφυλοι ὑμῶν καὶ ἡ γερουσία ὑμῶν καὶ οἱ κριταὶ ὑμῶν καὶ οἱ γραμματοεισαγωγεῖς ὑμῶν, “your heads and your elders and your judges and your officials” (= ראשיכם ושפטיכם וזקניכם ושריכם), “your heads and your elders and your judges and your officials” in the list are reversed from that of MT. These four terms for leaders in ancient Israelite society appear together in Josh 23:2 and 24:1, but in different order from either LXX or MT as emended here, namely: elders, heads, judges, and officials. Syr. and Tg. Ps.-J. read ראשי שבטיכם, “heads of your tribes.”

10.a. DSS, SP, LXX, Syr., *Tg. Ps.-J.*, and Vg. add *waw*-conj. Prosodic analysis supports MT.

10.b. Reading **מַחֲנֶךָ**, “your [sg.] camp,” with some Heb. MSS, SP, and Syr.; LXX reads τῆς παρεμβολῆς ὑμῶν, “your [pl.] camp” (= **מַחֲנֶכֶם**); *Tg. Ps.-J.* reads **מַחֲנֵיכֶם**.

10.c. One Heb. MS, SP, some major LXX witnesses, Syr., and Vg. add *waw*-conj.

11.a-a. Syr. reads 2 pl. in place of 2 sg. in MT; some SP MSS and Tg. read **לְהַעֲבִירְךָ**, “to cause you [sg.] to cross”; *Tg. Ps.-J.* reads **לְהַעֲבִירְכֶם**, “to cause you [pl.] to cross.”

12.a. The anomalous *pāsēq* in *BHS* suggests that the disj. break belongs here instead of with the *gèrēš* on the following word. The *pāsēq* is missing in the Letteris edition of the Hebrew text.

14.a. LXX reads 2 pl.

14.b. DSS, some LXX witnesses, and OL read 2 pl.

Form/Structure/Setting

It is possible to read Deut 29 within a more elaborate concentric structure with 29:9–14 in the center:

A Introduction: These are the words of the covenant	<u>28:69</u>
B The exodus from the land of Egypt recalled	<u>29:1–2</u>
C Moses reminds them of God’s provision in times past	<u>29:3–8</u>
X The covenant is binding on future generations too	<u>29:9–14</u>
C’ Moses warns those with reservations about the covenant	<u>29:15–20</u>
B’ The exile from the land of Israel foretold	<u>29:21–27</u>
A’ Conclusion: Observe the words of the Torah	<u>29:28</u>

In this reading the central message remains much the same as that of Deut 27–28, with Moses reminding the people of past blessings and warning them of future curses for breaking the covenant with YHWH (vv 3–20). The focus of attention in the center of this structure, however, is that the covenant applies to future generations as well (29:9–14). The outer frame picks up the image of “the land of Egypt” (**אֶרֶץ מִצְרַיִם**) as a key concept in vv 1 and 24, in both instances calling attention to God’s redemptive power in times past.

The boundaries of the three prosodic units here are marked with the *Numeruswechsel* in vv 10 and 13. The section as a whole begins with reference to all of the people who are standing before YHWH in the covenant ceremony there on the

plains of Moab (v 9) and closes with a statement that this covenant also applies to “those who are not here with us today” (v 14). This inclusion becomes the outer frame in a concentric structural design that Tigay (following Mayes) has outlined as follows ([1996] 277):

A You [present generation] stand today before YHWH your God	<u>29:9–10</u>
B to enter the covenant ... with its sanctions	<u>29:11</u>
X that YHWH may establish you as his people and be your God	<u>29:12</u>
B' I am concluding this covenant ... with its sanctions	<u>29:13</u>
A' those standing here today and [future generations]	<u>29:14</u>

This structure has the covenant formula as its focal point in v 12 and focuses attention on repetition of the words “covenant” and “oath” in vv 11 and 13.

Another way of looking at the concentric structural design is to add another structural frame to form a menorah pattern:

A Present: you are all standing here today before YHWH	<u>29:9–10</u>
B Stipulations: “the covenant of YHWH ... and his oath”	<u>29:11a</u>
C Present: YHWH is making this covenant with you today	<u>29:11b</u>
X Formula: to establish you as his people and he as your God	<u>29:12a</u>
C' Past: the covenant was promised to Abraham, Isaac, and Jacob	<u>29:12b</u>
B' Stipulations: “this covenant and this oath”	<u>29:13</u>
A' Future: this covenant is also with those not here today	<u>29:14</u>

The inner frame in this structure (vv 11, 12b) focuses on the fact that this covenant, which the people are about to make with YHWH, is the same covenant that was promised to the ancestors Abraham, Isaac, and Jacob in Genesis. The center of this structure presents the unique relationship that this covenant establishes between God and Israel: they are to become his people and he will henceforth be their God.

The evidence gathered by Labuschagne on the numerical composition of 29:9–20 may be summarized as follows:

Words:	before 'atnāḥ	after 'atnāḥ			
<u>29:9–13</u>	34	(= 2 × 17)	+	32	= 66
<u>29:9–16</u>	58	(= 26 + 32)	+	51	(= 3 × 17) = 109
<u>29:14</u>	11		+	6	= 17

<u>29:15-16</u>	13		+	13	=	26	
<u>29:15-18</u>	52	(= 2 × 26)	+	25	=	77	
<u>29:15-20</u>	78	(= 3 × 26)	+	38	=	116	
<u>29:17</u>	23		+	7	=	30	
<u>29:17-18</u>	39		+	12	=	51	(= 3 × 17)
<u>29:19</u>	20		+	6	=	26	
<u>29:19-20</u>	26		+	13	=	39	
<u>29:9-14</u>	45		+	38	=	83	
<u>29:9- 30:20</u>	357	(= 21 × 17)	+	306	(= 18 × 17)	= 663	(39 × 17)