9

"Incense Is Offensive to Me"

The Cult in Ancient Israel

Primary Reading: Leviticus 16.

Ritual Within the Bible

Religious ritual has an ambiguous place within modern life.[1] It is often critiqued as an archaic remnant of earlier practices, which should be replaced by more abstract forms of religion.[2]

This antipathy toward ritual is reflected in the work of many biblical scholars, especially those influenced by the work of the great German scholar Julius Wellhausen, who systematized much of biblical scholarship toward the end of the nineteenth century.[3] He viewed the history of biblical religion as a devolution, in which free expression of religion, reflected in the early sources, was gradually replaced—most especially in the Priestly Source—by fixed ritual. In this view, the prophets, some of whom are seen as hostile toward ritual, are viewed as the apex of biblical religion. It was not unusual, for example, for scholars to highlight the centrality of texts such as Isaiah 1:10–17:

> (10) Hear the word of the Lord, / You chieftains of Sodom; / Give ear to our God's instruction, / You folk of Gomorrah! / (11) "What need have I of all your sacrifices?" / Says the Lord. / "I am sated with burnt offerings of rams, / And suet of fatlings, / And blood of bulls; / And I have no delight / In lambs and he-goats. / (12) That you come to appear before Me— / Who asked that of you? / Trample My courts (13) no more; / Bringing oblations is futile, / Incense is offensive to Me. / New moon and sabbath, / Proclaiming of solemnities, / Assemblies with iniquity, / I cannot abide. / (14) Your new moons and fixed seasons / Fill Me with loathing; / They are become a burden to Me, / I cannot endure

them. / (15) And when you lift up your hands, / I will turn My eyes away from you; / Though you pray at length, / I will not listen. / Your hands are stained with crime—(16) Wash yourselves clean; / Put your evil doings / Away from My sight. / Cease to do evil; / (17) Learn to do good. / Devote yourselves to justice; / Aid the wronged. / Uphold the rights of the orphan; / Defend the cause of the widow."

These verses are often understood as a blanket condemnation of ritual practices, especially those associated with the Jerusalem cult as prescribed in the Torah; ethical behavior is meant to replace ritual behavior. This unit from Isaiah will be examined in chapter 17 (see "Isaiah as a Typical Classical Prophet"); for now, it is sufficient to note that this negative view of ritual is exaggerated. The fact that the Bible is so rich in rituals certainly argues for their centrality. Indeed, this is confirmed by texts such as Isaiah 1:10–17, for only central practices would have been railed against so vociferously. Thus, developing a sympathetic understanding of ritual is crucial for understanding what biblical texts meant.

Ritual was a central part of all ancient Near Eastern religions. Many ritual texts covering a wide variety of situations have been discovered at Ugarit, a city near the Mediterranean coast of Syria, which has yielded a large number of texts from the fourteenth and thirteenth centuries.[4] These texts are extremely important given the geographical proximity of Ugarit to Israel, and although they predate biblical literature by several centuries, they show significant contiguities with the Bible. Ugaritic narrative texts highlight the significant role that ritual played in daily life there.[5] A similar picture is evident with Israel's immediate neighbors, where large numbers of ritual texts have been unearthed.[6] Thus, given the geographical and historical context of the Bible, the prominent role of ritual in it is expected.

I will focus here on the Temple ritual associated with Yom Kippur, the Day of Atonement. Since it was an unusual ritual even for the Bible, I will supplement its analysis with some general reflections on the place of ritual within Israelite life.

The Yom Kippur ritual is found in Leviticus 16. Actually, verses 1–28 outline two rituals that combine to form the larger ritual. The first ritual (which itself comprises several sub-rituals) transpires inside the sanctuary precincts (vv. 1–19, 27–28). The second ritual, involving the scapegoat, takes place outside the sanctuary (vv. 20–26). Verse 20 serves to integrate the two: "When he has finished purging the Shrine, the Tent of Meeting, and the altar, the live goat shall be brought forward." These rituals combine to assure that the desired results—the ritual cleansing of the sanctuary, and the purging of the people's sins—are accomplished.

The Day of Atonement Rituals: Background

Key Terms Used to Describe the Rituals

In contemporary Jewish practice, repentance is seen as the key feature of Yom Kippur, or the Day of Atonement. The liturgy of the day is replete with confessions, one of which has as its refrain "for all these, O God of forgiveness, forgive us, pardon us, grant us remission."[7] It is therefore natural to read the ritual described in Leviticus 16 in terms of this theme, as connected to repentance. Yet, a close reading of that biblical passage suggests otherwise: neither *teshuvah* (תְּשׁוּבָה, "repentance") nor the word from which it derives, *shuv* (שׁוּב, "to return"), are found anywhere in the chapter. Indeed, this root is first used in the Torah in the theological sense of "repent" or "return to God" only in Deuteronomy: "when you are in distress because all these things have befallen you and, in the end, *ve-shavta* (וְשַׁבְתָּ, 'you return') to the LORD your God and obey Him" (4:30). In fact, within the Torah, only in Deuteronomy does the concept of repentance play a central role. Given that Priestly texts and those from Deuteronomy represent the two great yet *different* streams of thought in the Bible, the fact that *shuv* is prominent in one and absent in the other is significant.

Rather than *shuv,* Priestly texts use the verb *kipper*. What then is the meaning of the root *k-p-r* (כפר) that is typically translated as "to atone"—and that is reflected in the day's name? Unfortunately, we have a rather incomplete knowledge of biblical Hebrew. As discussed in chapter 3, we lack what linguistic scholars call "informants," native speakers of a language who can tell researchers what a word or a grammatical structure means, or whether a particular locution is grammatical. Contemporary Hebrew is not a reliable source for understanding the biblical idiom; too much time has passed—the language has evolved meanwhile. Instead, we know what a particular biblical word means using the following three methods: (1) comparison with related (cognate) words in other Semitic languages; (2) consulting the ancient Bible translators (especially those of the Septuagint—the Greek translation most likely begun in the third pre-Christian century—because it is the oldest version and typically highly literal); and (3) inference from the literary context.

In the case of the root *k-p-r*, the first and third methods are the most helpful.[8] In Syriac, a dialect of Aramaic that is closely related to Hebrew, the root means "to wipe."[9] It was used of wiping hands or eyes. It was used metaphorically in the *Peshitta*, the Syriac translation of the Bible, in sentences like "Saul wiped out [i.e., did away with] the remnant of the Amalekites." The root is also

well attested in Akkadian—a Semitic language of ancient Mesopotamia—which is more distantly related to Hebrew yet close enough to provide useful information. There too it had the sense of "to wipe off."[10] It was used, for example, of a person's feet, or of cleaning jewelry. Related to this use was "to purify," often via ritual (or magical) means, and referring to the purification of temples, countries, fields, and homes.

This latter sense of *k-p-r* fits several of its appearances in Leviticus 16. (Here I am applying method 3, above.) The core verse of our chapter uses the root *k-p-r* in this characteristic way: "Thus he shall *k-p-r* the Shrine[11] of the uncleanness and transgression of the Israelites, whatever their sins; and he shall do the same for the Tent of Meeting, which abides with them in the midst of their uncleanness" (v. 16). The root is used not in reference to people nor to an action performed by individuals (such as repentance); rather, two structures, "the Shrine" and "the Tent of Meeting," are "*k-p-r*-ed." In verse 20, the altar as well is "*k-p-r*-ed."[12] Several modern translations render these instances as "atone,"[13] but this seems at best opaque or unclear—how can one atone for the altar? Instead, the JPS translation's "purge" better reflects the underpinnings of the ritual outlined in this chapter, whose main theme is the purging or purification of the Sanctuary (or Temple).

Concept Behind the Inside Ritual

The Bible scholar Jacob Milgrom gives a compelling explanation of the first set of rituals, relating them to what he calls "The Priestly 'Picture of Dorian Gray.'"[14] The Sanctuary (the Priestly author's representation of the Jerusalem Temple) is like the painting in Oscar Wilde's story, which changes as a result of various human activities. Here the Priestly conception seems to assume that the Temple absorbs different types of impurities at different loci. For example, "wanton unrepented sin" pollutes certain parts of the Temple, including the Holy of Holies. The Temple absorbs such impurities, which build up as they are stored there. Thus the Temple must on occasion be ritually purified.

The buildup of these impurities is, from the Priestly perspective, a threat to national security. The priest Ezekiel evinces this concern in the first portion of the prophetic book that bears his name. Ezekiel prophesied in Babylon after being exiled there from Jerusalem in 597 B.C.E.[15] The first eleven chapters of his book portray "divine abandonment," a motif frequent in ancient Near Eastern—particularly Assyrian—literature.[16] According to Ezekiel, God—or more pre-

cisely, *kevod YHWH* (כְּבוֹד יהוה], "the Presence of the LORD")—exited the Temple. The Presence first left the platform of the Temple (10:18) and then "ascended from the midst of the city and stood on the hill east of the city" (11:23). This abandonment of the Temple by the divine Presence is what ultimately allowed it to be destroyed. Ezekiel also explains why God left: "And [God] said to me, 'Mortal, do you see what they are doing, the terrible abominations that the House of Israel is practicing here, to drive Me far from My Sanctuary?'" (8:6). Chapter 8 describes a wide range of "abominations" (improper acts), including worship of the sun (v. 16). These activities polluted the Temple, says Ezekiel, and caused God to abandon it. Similar thinking stands behind Leviticus 16 as well. Here the rituals are planned to purify the Temple from like pollutants, thereby assuring continued divine presence and blessing.

Physical Setting of the Inside Ritual

As background to the main ritual, it is important to remember that the Priestly Sanctuary—as depicted at the end of Exodus—has a three-part structure (see diagram):

- The general Temple area, which contains the main altar used for sacrifices; it may be entered by any person in a state of ritual purity.

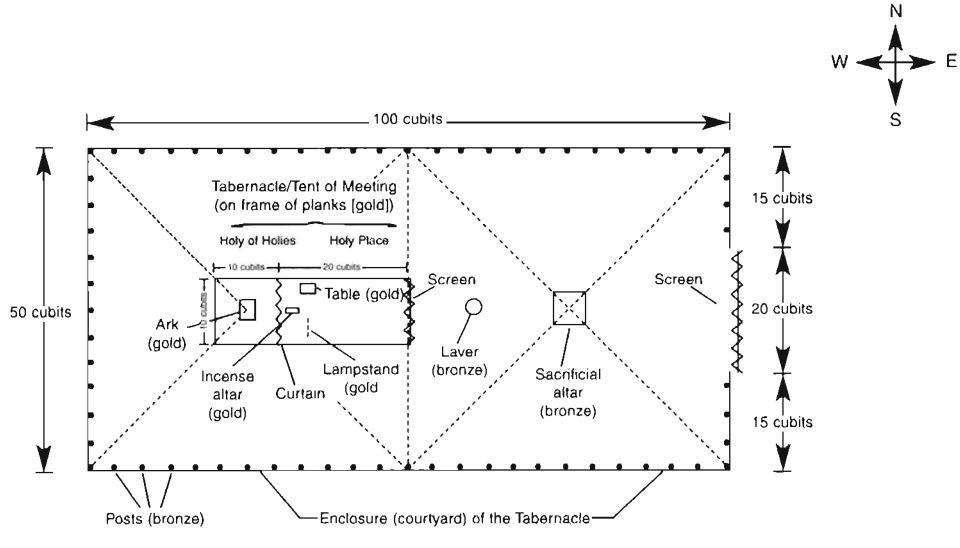

Illustration of the Tabernacle from *The Jewish Study Bible*, copyright © 2004 by Oxford University Press, Inc. Used by permission.

- *Ha-kodesh* (הַקֹּדֶשׁ, "the holy area"), typically translated as "Shrine" in the JPS translation, houses the lampstand, the table for the bread of display, and the altar of incense. Only (ritually pure) priests may enter this area.
- The Holy of Holies is behind this area. It may be entered only by the high priest—Aaron or future high priests descended from him—when purifying the Temple (Lev. 16:2–3). This area, according to Priestly tradition, contained the Ark, which was covered by a *kapporet* (כַּפֹּרֶת). Scholars debate the nature and translation of this word, and how it is related to the root *k-p-r;* the JPS translation renders it as "cover"; others render it as "mercy seat." According to Priestly accounts, a "curtain" separates the Holy of Holies from the Shrine.

The Inside Ritual

Leviticus 16:1–19 enumerates a set of rituals that share certain elements: sacrifice, blood, Sanctuary, and Aaron the high priest. This passage details a set of ordered activities that, if precisely performed, will purify the Temple, thereby guaranteeing the divine presence.

The beginning of the chapter connects the ritual to the enigmatic story concerning the deaths of Nadab and Abihu in Leviticus 10. (It is possible that in an earlier form of Leviticus, chap. 16 directly followed chap. 10.) These two chapters may relate to each other in a variety of ways. Nadab and Abihu have died in the Sanctuary, and thus it needs to be purged or cleaned. Perhaps, too, the deaths of these two sons of Aaron was caused by their improper entry into part of the Sanctuary, which would explain why chapter 16 outlines who may safely enter the innermost section of the Sanctuary, as well as when and how to do so. Verse 2 stresses the danger of entering the innermost part of the Temple ("into the Shrine behind the curtain, in front of the cover that is upon the ark"). It anticipates verses 12–13, which prescribe the manner in which Aaron may enter this area:

> (12) And he shall take a panful of glowing coals scooped from the altar before the LORD, and two handfuls of finely ground aromatic incense, and bring this behind the curtain. (13) He shall put the incense on the fire before the LORD, so that the cloud from the incense screens the cover that is over the Ark of the Pact, lest he die.

As elsewhere in the Bible, the assumption is that seeing God causes death (see, e.g., Judg. 13:22). The incense here acts as a smokescreen, preventing

Aaron (and his high-priest descendants) from seeing God's cloudlike manifestation in the Holy of Holies.

Leviticus 16:3–4 notes the preparation for the ritual. Aaron brings the requisite sacrificial animals (v. 3). He must be ritually pure and properly dressed in "work clothes." In addition, he brings three other animals on behalf of Israel (v. 5). Two of these are for a *chattat* (חַטָּאת); although the JPS translation and most others render this as "a sin offering," it is better translated "a purification offering," in other words, an offering that will purify or purge or cleanse a specific area of the Temple.[17]

The text continues with a description of the ritual itself: Aaron can only serve as a proper officiant if he (and his priestly family, for whom he seems to bear responsibility) is ritually pure, thus he must first offer his own purification offering (Lev. 16:6). Then he may begin to perform the main part of the ritual, determining which of the two he-goats will be used for the nation's purification offering (vv. 7–8). That offering is completed (v. 9), while the other he-goat is put on hold until the main ritual is completed (v. 10).

Leviticus 16:11 returns us to verse 6; it is not a new action, but a repetition of the previous taken action, with the additional note that this animal must be slaughtered. This is done in part because this slaughtering produced blood, which must be saved because it will be the central agent of the ritual that follows in verse 14. However, since that ritual will transpire in the Holy of Holies, "behind the curtain," it must be accomplished using incense, thereby producing a cloud so that the Divine Presence is not seen (vv. 12–13; see above, "Concept Behind the Inside Ritual"). While in the Holy of Holies, blood of two purification offerings is sprinkled: that of Aaron's purification offering bull (v. 14—see vv. 3, 11), and that of the nation's he-goat (v. 15—see v. 5). Like most rituals, in order to be effective, this one must be accomplished in a precise fashion; in this case, sprinkling the blood seven times, a number used frequently in the Bible to symbolize completeness.

The ultimate goal or result of these rituals is noted in Leviticus 16:16: "Thus he shall purge the Shrine of the uncleanness and transgression of the Israelites, whatever their sins; and he shall do the same for the Tent of Meeting, which abides with them in the midst of their uncleanness." This "purging" or ritual purification is accomplished through the use of animal blood, which for the Priestly authors is seen as a kind of "ritual detergent."[18] Exactly how and why blood functions in this way is unclear, though it is likely connected to the Priestly assertion that blood is to be identified as the *nefesh* (נֶפֶשׁ, "lifeforce") of the animal (17:10–14); perhaps in some sense it reanimates and thus purifies.

Leviticus 16:17 offers some additional background information, and verses

18–19 prescribe the final part of the purification ritual, purging the altar in the Holy section through a final blood ritual. The "horns of the altar" refer to quarter-circular protuberances like those found in various altars excavated in Israel. As may be seen from the different vocabulary used in verses 16 and 19, each act of purification accomplishes something slightly different, purifying parts of the structure from different types of sins. With verse 19, the main ritual is completed, and through the use of ritual detergent blood, the Temple or Sanctuary is restored to a state of ritual purity. It is again a "house" that will not repel God,[19] a place where He will want to reside.

The Outside Ritual

The function of the previous ritual was to purify various holy places and objects; the purpose of this scapegoat ritual is clarified in Leviticus 16:21: "Aaron shall lay both his hands upon the head of the live goat and confess over it all the iniquities and transgressions of the Israelites, whatever their sins, putting them on the head of the goat; and it shall be sent off to the wilderness through a designated man."

There may be some redundancy between this ritual and the previous offerings and blood ritual, or this may be seen as a totally different ritual, purging the Israelites of intentional sins, which may not have been covered by the previous set of rituals. At any rate, the goat is literally carrying off the sins of the people, removing them to an area outside of civilization, to "an inaccessible region" (Lev. 16:22). The actions of Aaron highlight the role of the goat. For other sacrifices, the person offering the animal is told to place one hand on the sacrifice (3:8, 13; 4:4, 29, 33) as an indication that this is his or her animal. Here, however, Aaron places both of his hands on the animal—a unique act within the Bible—through which he transfers the sins onto the animal.

The word "Azazel" appears four times in Leviticus 16 (vv. 8, 10 [twice], 26). It is etymologically difficult to explain, not fitting the three-letter pattern typical of Hebrew roots. Nor is context particularly helpful in clarifying its precise meaning. The Septuagint (the Greek translation of the Bible) understood it to mean "scapegoat," which is quite suitable for verses 8 and 10a, but less likely for 10b and 26. Some understand it to be a place-name. Alternatively, some understand Azazel to mean "for the elimination of divine anger."[20] This may be more satisfactory from a modern theological perspective, but is etymologically unlikely. The most likely explanation derives from the parallelism of verse 8, "one marked for the LORD and the other marked for Azazel," which supports the

ancient tradition—found in a wide range of sources—that Azazel was the name of a demon.[21] This ritual would then be a remnant of an older prebiblical ritual, somewhat "Israelitized," propitiating a malevolent wilderness demon.

The definition of Azazel is likely an intractable problem. Nevertheless, it is clear that the ritual performed in Leviticus 16:20–22 complements the earlier ritual, supplementing the purification of the Temple with the purification of Israel through this rite of elimination.

The rest of this section is anticlimactic, tying together loose ends. Specifically, it deals with final actions of all of the participants in the rituals—Aaron, who purged the Temple (Lev. 16:23–25), the person who led the scapegoat (v. 26), and the person who burned the carcasses of the animals whose blood was used for purification (vv. 27–28). All of these people came into contact with either supercharged holiness, supercharged impurity, or both, and thus they require ritual purification before resuming normal life.

Reframing the Ritual

The language of the introduction to Leviticus 16 may suggest that it was a ritual to be performed as needed to purify the sanctuary: "The LORD said to Moses: "Tell your brother Aaron that he is not to come at will into the Shrine . . . Thus only shall Aaron enter the Shrine" (vv. 2–3). No particular time is specified for this ritual. One would expect it to be performed as needed—for example, after the pollution of the Temple through corpse contamination, as when Nadab and Abihu died in the Tabernacle (v. 1; see above, "The Inside Ritual").

For this reason, verses 29–34 may not be an original part of Leviticus 16. They further ritualize the purification ceremony by fixing when it should transpire: on the tenth day of the seventh month, what is called in Leviticus 23:27 *Yom Ha-kippurim*, the Day of Purgation (or Atonement). This addition supplements the rituals described earlier in Leviticus 16, which focus on the sanctuary and Aaron, with the requirement that "you shall practice self-denial; and you shall do no manner of work, neither the citizen nor the alien who resides among you. . . . It shall be a sabbath of complete rest for you, and you shall practice self-denial" (vv. 29–31), a requirement that is applicable to the broader community, not only to Aaron and his (priestly) family. This broader concern is typical of the work of the Holiness School, the group responsible for Leviticus 17–26, which has as its refrain "You shall be holy." This school tends to democratize the narrow priestly perspective seen elsewhere in Priestly literature.[22]

Apparently the author from the Holiness School believed that this type of

ritual needed to be institutionalized at a particular time, on Yom Kippur, immediately preceding the festival of Sukkot. Biblical evidence suggests that Sukkot was *the* major fall festival. (Only in postbiblical times did Rosh Hashanah, the Jewish New Year celebrated on the first day of the seventh month, nine days before Yom Kippur and fourteen days before Sukkot, become central.) The dedication of Solomon's Temple was on Sukkot (1 Kings 8:2), and it is Sukkot that is celebrated with great fanfare during the early postexilic period (Neh. 8:13–18). The most appropriate time for an annual ritual "housecleaning" would be immediately preceding Sukkot.

But this is not the only logical occasion for such a ritual. Another major festival complex is in the spring, comprised of the one-day Pesach or Passover festival, followed by the seven-day Matzot, or Unleavened Bread, festival (Lev. 23:5–8).[23] Thus, it should not be surprising that a different tradition developed that would time this housecleaning then. Ezekiel 45:18–20 notes:

> (18) Thus said the Lord GOD: On the first day of the first month, you shall take a bull of the herd without blemish, and you shall cleanse the Sanctuary. (19) The priest shall take some of the blood of the purification offering and apply it to the doorposts of the Temple, to the four corners of the ledge of the altar, and to the doorposts of the gate of the inner court. (20) You shall do the same on the seventh day of the month to purge the Temple from uncleanness caused by unwitting or ignorant persons.

If both this and the Leviticus 16 ritual were performed, the Temple would be cleansed twice annually, helping to assure the presence of the Presence, with the attendant protection of all Israel.

Other Biblical Rituals

There is no such thing as the typical biblical ritual. Therefore the discussion of the structure and meaning of Leviticus 16 cannot be applied to all other rituals. However, we analyzed this example to show that rituals—even those involving lots of elements and lots of blood—are not meaningless prescribed actions. Rather, they are a series of activities that have meaning and serve particular functions.

Other rituals should be analyzed similarly. In some cases, their purpose is fairly transparent from the immediate biblical context alone. Consider the ritual in Deuteronomy 21:1–9 concerning expiation for a homicide when the murderer cannot be found. It uses blood to cleanse the land: "do not let guilt for the

blood of the innocent remain among Your people Israel" (v. 8). With this in mind, it is relatively easy to understand much of the symbolism of the ritual.[24] However, many rituals do not detail their function so clearly. Their meaning remains more opaque without recourse to other types of analysis.[25]

Leviticus in particular is full of rituals. In contrast to many rituals found in other biblical books, these must be performed at the sanctuary. This is because Leviticus is a Priestly book, and the priests' lives centered on the Temple. There is a strong sense, often accomplished through repetition, that these rituals must be performed exactly as prescribed. This is mirrored in the highly repetitive sections of Exodus 25–31, 35–40, which detail the instructions for the Tabernacle and their fulfillment, and which culminate with:

> (39:42) Just as the Lord had commanded Moses, so the Israelites had done all the work. (43) And when Moses saw that they had performed all the tasks—as the Lord had commanded, so they had done—Moses blessed them.

From the perspective of the Priestly author, the rituals prescribed are divine commandments, and therefore it is crucial to follow their instructions exactly, insuring divine satisfaction, and thus human success. In the words of Exodus 25:8, "Let them make Me a sanctuary that I may dwell among them." This explains why such rituals play such a crucial role in ancient Israelite society, and in the societies of its neighbors.

Many of these passages lack an ethical or moral component, and we misunderstand (or "anachronize") them if we claim that such a component is implicit. We also misunderstand the function of ritual in the ancient world. The texts are quite clear: If the rituals are accomplished properly, if the blood is sprinkled the right number of times in the correct place, and the scapegoat bearing the sins is safely brought to the wilderness, then the Temple will be cleansed, and the people's sins will be annulled. No prayer, contrition, or repentance is necessary—the ritual *by itself*, if properly performed, assures the divine Presence and divine blessing.[26]

The belief that ritual prescriptions, if carefully followed, will maintain the divine Presence is a peculiarly Priestly view. It is easy to understand how this view might develop within a group that had the Temple and its rituals as their center. At the same time, as we shall see later, different groups had other views concerning what would lead to divine blessing.[27]

10

"In the Fortieth Year . . . Moses Addressed the Israelites"

Reading Deuteronomy

Primary Reading: Deuteronomy (esp. chaps. 1, 4, 5, 12, 31).

A Pious Fraud

Deuteronomy contains the longest introductory sentence of any biblical book:

> (1) These are the words that Moses addressed to all Israel on the other side of the Jordan—through the wilderness, in the Arabah near Suph, between Paran and Tophel, Laban, Hazeroth, and Di-zahab, (2) it is eleven days from Horeb to Kadesh-barnea by the Mount Seir route—(3) it was in the fortieth year, on the first day of the eleventh month, that Moses addressed the Israelites in accordance with the instructions that the LORD had given him for them, (4) after he had defeated Sihon king of the Amorites, who dwelt in Heshbon, and King Og of Bashan, who dwelt at Ashtaroth and Edrei, (5) on the other side of the Jordan, in the land of Moab, Moses undertook to expound this Teaching; he said: (transl. adapted).

The long list of details given here has a simple function: to legitimize the book as a whole. It is another way of saying: "I am authentic." There is a good reason that Deuteronomy in particular needs to be legitimated in this way so much of the book repeats narratives and legal material from earlier in the Torah. Deuteronomy 5, for example, recounts the Decalogue of Exodus 20. The second half of chapter 1 retells the story of the spies, found in Numbers 13–14. Its festival calendar in chapter 16 resembles the one found in Exodus 23:14–19. For good reason, the book is called in English Deuteronomy—from the Greek

deutero-nomos, "second law"—and in rabbinic sources *mishnei torah*, "a repetition of the Torah." At first blush, that is precisely what the book is: Moses' repetition of selected earlier laws and narratives as his valedictory address.

The repetition, however, is far from exact. Even the Decalogue, which claims to be the words that the LORD spoke ("those and no more—to your whole congregation at the mountain"; Deut. 5:19), does not replicate exactly the words found in Exodus 20. Most especially in the Sabbath utterance, but not only there, the text of Deuteronomy deviates significantly from Exodus.[1] In fact, that utterance has been "Deuteronomized," that is, made to fit the theology and language of the book of Deuteronomy, which has no knowledge of the seven-day creation mentioned in Genesis 1 and Exodus 20, but is full of references to the Exodus, a major theme in Deuteronomy.[2]

The so-called spy story is also revised in a number of significant ways. For example, according to Numbers 13:2, it was God who initiated the sending of the scouts, while according to Deuteronomy 1:22–23, this was the people's idea, which Moses approved. According to Numbers 13:2, each tribe's chieftain was sent, while Deuteronomy 1:23 notes only that "one from each tribe" was sent. Many other differences may be cited.

Legal traditions are equally flexible. Though there are many similarities between the festival calendars in Exodus 23 and Deuteronomy 16, there are many differences as well. The similarities include a notice that there are only three pilgrimage festivals, incumbent upon males only. Exodus 23:17 reads, "Three times a year all your males shall appear before the Sovereign, the LORD," compared to Deuteronomy 16:16, "Three times a year—on the Feast of Unleavened Bread, on the Feast of Weeks, and on the Feast of Booths—all your males shall appear before the LORD your God in the place that He will choose." In both there is no mention of Rosh Hashanah (New Year) or Yom Kippur (the Day of Atonement), found in the Priestly calendar of Leviticus 23. The differences are also quite striking. For example, the fall festival is noted in quite brief terms in Exodus 23:16, "and the Feast of Ingathering at the end of the year, when you gather in the results of your work from the field." It is renamed, expanded, and changed quite significantly in Deuteronomy 16:

> (13) After the ingathering from your threshing floor and your vat, you shall hold the Feast of Booths for seven days. (14) You shall rejoice in your festival, with your son and daughter, your male and female slave, the Levite, the stranger, the fatherless, and the widow in your communities. (15) You shall hold a festival for the LORD

> your God seven days, in the place that the LORD will choose; for the LORD your God will bless all your crops and all your undertakings, and you shall have nothing but joy.

The name of the festival has been changed, it is celebrated for a prescribed time period, and it must be held "in the place that the LORD will choose," generally understood to be Jerusalem. Various elements of the underclass are mentioned as included, and divine blessing is explicitly mentioned as the reward for its celebration.

These changes of earlier narrative and legal material typify Deuteronomy[3] (and many more such examples could be cited).[4] They are all the more striking given that Deuteronomy notes: "You shall not add anything to what I command you or take anything away from it" (4:2), and "Be careful to observe only that which I enjoin upon you: neither add to it nor take away from it" (13:1). Yet it tampers with its sources extensively.[5]

These factors all suggest a special origin for Deuteronomy. Indeed, both traditional Jewish and modern critical scholarship have connected it to the book found, according to 2 Kings 22:8, in the Jerusalem Temple when King Josiah of Judah purified and renovated the Temple in 622 B.C.E.[6] As a result of reading this book, Josiah enacts several reforms (see 2 Kings 23) that resonate remarkably with the laws in Deuteronomy, especially the laws emphasized there concerning worshipping one God in a unified fashion in one Temple (in Jerusalem). According to the rabbinic perspective, Deuteronomy was hidden away by the apostate king Manasseh, who reigned two kings before Josiah. The critical position suggests instead that the book "discovered" in the Temple was the product of the scribes of Josiah's court, although it may incorporate still earlier works, perhaps of Northern Israelite origin. For this reason, the great biblical scholar Wilhelm Martin Lebrecht de Wette characterized the core or original text of Deuteronomy[7] as "a pious forgery."

Some contemporary scholars follow de Wette's opinion, suggesting that verses such as Deuteronomy 4:2 and 13:1 are inserted to cover up the nature of the book as a forgery. Others see these verses as typical ancient Near Eastern rhetoric, in which interpretation is depicted as a legitimate restatement of earlier traditions.[8] This idea extends beyond the biblical period; the great first-century-C.E. Jewish historian Josephus rewrites the Bible quite radically in his *Antiquities,* yet he too states (I.17): "The precise details of our Scripture records will, then, be set forth, each in its place as my narrative proceeds . . . neither adding nor omitting anything."[9]

Comparing Peaches and Nectarines

Comparison is an extremely useful tool for understanding biblical texts. It is generally acknowledged that the Covenant Collection of Exodus served as the basis for much of the Deuteronomic law collection, and was revised extensively.[10] The laws concerning the Hebrew slave in both collections will be compared here to see the defining characteristics of Deuteronomy. We will then be able to explore in greater detail when and why these might have developed.

The two laws are reproduced below.

Exodus 21	*Deuteronomy 15*
(2) When you acquire a Hebrew slave, he shall serve six years; in the seventh year he shall go free, without payment. (3) If he came single, he shall leave single; if he had a wife, his wife shall leave with him. (4) If his master gave him a wife, and she has borne him children, the wife and her children shall belong to the master, and he shall leave alone. (5) But if the slave declares, "I love my master, and my wife and children: I do not wish to go free," (6) his master shall take him before God. He shall be brought to the door or the doorpost, and his master shall pierce his ear with an awl; and he shall then remain his slave for life. (7) When a man sells his daughter as a slave, she shall not be freed as male slaves are. (8) If she proves to be displeasing to her master, who designated her for himself, he must let her be redeemed; he shall not have the right to sell her to outsiders, since he broke faith with her. (9) And if he designated her for his son, he shall deal with her as is the practice with free maidens.	(12) If a fellow Hebrew, man or woman, is sold to you, he shall serve you six years, and in the seventh year you shall set him free. (13) When you set him free, do not let him go empty-handed: (14) Furnish him out of the flock, threshing floor, and vat, with which the LORD your God has blessed you. (15) Bear in mind that you were slaves in the land of Egypt and the LORD your God redeemed you; therefore I enjoin this commandment upon you today. (16) But should he say to you, "I do not want to leave you"—for he loves you and your household and is happy with you—(17) you shall take an awl and put it through his ear into the door, and he shall become your slave in perpetuity. Do the same with your female slave. (18) When you do set him free, do not feel aggrieved; for in the six years he has given you double the service of a hired man. Moreover, the LORD your God will bless you in all you do.

(10) If he marries another, he must not withhold from this one her food, her clothing, or her conjugal rights. (11) If he fails her in these three ways, she shall go free, without payment.

The formal similarities in content and structure support the notion that these texts are genetically connected; in this case, that Deuteronomy knew and revised Exodus. Some of the revisions are minor, and may be stylistic only, for example, the difference between the slave's being "acquired" in Exodus, and being "sold to you" in Deuteronomy. Many, however, are quite major, including the way in which the female slave is discussed: she is in her own category in Exodus, while in Deuteronomy she is treated the same as the male.

Several differences between these texts are especially important. Deuteronomy omits the subcases dealing with the slave's wife—perhaps it did not agree with the idea that a bought slave could be used to sire future slaves for the master, as Exodus 21:4 implies.[11] In fact, at the very place where that legislation was expected, Deuteronomy notes: "(13) When you set him free, do not let him go empty-handed: (14) Furnish him out of the flock, threshing floor, and vat, with which the LORD your God has blessed you. (15) Bear in mind that you were slaves in the land of Egypt and the LORD your God redeemed you; therefore I enjoin this commandment upon you today." This introduces two major themes of Deuteronomy: its humanitarianism, and the importance of the Exodus from Egypt—which is used as a motive clause in many laws.[12]

The subcase of the slave who wants to stay with his master appears in both books, with a significant change: the ritual of piercing the ear (not the earlobe!) with an awl in Exodus transpires "before God" (v. 6), while in Deuteronomy it takes place at "the [master's] door" (v. 17). Exodus allows God to be worshipped at a plurality of sanctuaries; in the words of Exodus 20:21: "Make for Me an altar of earth and sacrifice on it your burnt offerings and your sacrifices of well-being, your sheep and your oxen; in *every* place where I cause My name to be mentioned I will come to you and bless you." This fits with many traditions found in Genesis, where the ancestors built altars for God in a variety of places (see, e.g., 22:13; 46:1). In contrast, a cornerstone of Deuteronomy's theology is that God must properly be worshipped only in the *one* place that God has chosen for his name to dwell. This is not only the core theme of the first legal section in Deuteronomy (chap. 12), but also manifests in the subsequent revision of many earlier laws.[13] Thus, returning to the slave laws, it is now clear why Deuter-

onomy converts a ritual that was taking place at local sanctuaries into a private, home ritual: it does not want to trouble the slaveowner and slave to travel to Jerusalem to perform the rite.[14]

Deuteronomy has also changed the way in which the female slave is treated. Although the nature of the case in Exodus is not certain, it is likely to be that of a minor daughter who is sold into slavery by her father.[15] By omitting this case, and instead insisting twice (vv. 12, 17) that the female should be treated as the male, Deuteronomy is removing this possibility.

Finally, the end of Deuteronomy's text provides a motive for why the master should not feel bad when releasing a slave at the end of the seventh year—"for in the six years he has given you double the service of a hired man"—in other words, the slave was already a good buy, so do not be tempted to take further advantage of the situation. The argument to release the slave here is secular and logical rather than religious and symbolic.

This comparison brings into focus several fundamental features of Deuteronomy: its focus on centralization of worship, its humanitarianism, its betterment of the status of women, and its attempt to use secular logic to convince Israelites to follow divine law. Is there any social or historical set of events that can help explain these remarkably diverse changes?

Deuteronomy as a Treaty

Deuteronomy offers a final clue that might help understand its origin and meaning: its structure, which is unlike that of any other biblical book. Initially its format looks similar to Leviticus: both books are comprised predominantly of laws, and both have long passages toward the end that outline the results of following—and in much greater detail, abrogating—these laws (Leviticus 26; Deuteronomy 28). However, the two structures differ greatly as well: Leviticus begins with laws, whereas the main legal section of Deuteronomy begins in chapter 12. Furthermore, while these two books' laws overlap somewhat (especially the laws concerning permitted and prohibited animals in Leviticus 11 and Deuteronomy 14, the laws of keeping kosher, as they are called in postbiblical literature), their differences are far greater. (Partly for this reason, critical scholars have concluded that these books have different sources from different time periods, and more important, they arise from different social groups.)

On the crudest scale, then, Deuteronomy may be analyzed as Introduction (chaps. 1–11), Legal Core (12–26), and Conclusion (27–34[16]). This structure is

similar to that of the Laws of Hammurabi, which is comprised of laws flanked by an introduction and conclusion. However, the contents and function of Hammurabi's introduction and conclusion are vastly different in content, goal, and vocabulary from that found in Deuteronomy, so it is unlikely they influenced this biblical text.

Half a century ago, George E. Mendenhall noted that Deuteronomy shared the structure of second-millennium-B.C.E. Hittite treaties.[17] The Hittites, who lived in part of the area of modern Turkey, were a major power of the second millennium, having subjugated a number of Near Eastern states. It entered into treaties with these states that cast the Hittite king as overlord (or "suzerain") and the vanquished state as vassal. As Mendenhall observed, these treaties had significant structural similarities to Deuteronomy, with both containing the following elements: preamble, historical prologue, treaty stipulations, provisions for deposit in the temple and periodic readings, witnesses, and curses and blessings. This suggested to Mendenhall that the early Israelites borrowed the covenant form from the Hittites.

In other words, Deuteronomy needs to be understood as a theologized treaty—in which God is the overlord and Israel is the vassal. Of course, some features of the Hittite treaties were modified; for example, rather than calling upon a variety of gods to witness the treaty, Deuteronomy calls upon heaven and earth (4:26; 32:1), but such adaptations do not negate the claim that Deuteronomy is the religious transformation of a political document. The fact that the word *berit* (בְּרִית) may be used both for a treaty between Israel and other nations, and as a technical term for the covenant between Israel and God, supports Mendenhall's idea.

Most biblical scholars accept the insight that Deuteronomy needs to be understood as a treaty. Since Mendenhall's article was published, however, a number of first-millennium Assyrian vassal treaties have also been published. Many now believe that the Esarhaddon treaties of the early seventh century (published in 1958) have closer and more direct connections to Deuteronomy than the earlier Hittite treaties.[18] In particular, the curses found in Deuteronomy 28 (but not in Leviticus 26) show striking similarities to the Vassal Treaties of Esarhaddon (abbreviated VTE). For example, Deuteronomy 28:23 reads: "The skies above your head shall be copper and the earth under you iron," and VTE 528–31 reads: "May they [the gods] make your ground like iron so that no one can plough [cut] it. Just as rain does not fall from a brazen heaven, so may rain and dew not come upon your fields and pastures."[19]

Judah was a vassal of Assyria for much of the seventh century. Although no

vassal treaties between Judah and Assyria have been unearthed, it is likely that the type of language quoted above would have been used in treaties with Judah, and thus could have been borrowed from there for Deuteronomy.

This proposed context suggests a couple of conclusions. First, such treaties probably would have been known only among the more educated class or royal scribes, which means that this class may have been responsible for writing Deuteronomy. (The nature of the author[s] is often discussed in terms of the "Wisdom" influence on Deuteronomy.[20]) Second, if Deuteronomy is a religious appropriation of a political form, its point may be polemical: true allegiance belongs to the God of Israel—not to the Assyrian overlords and their gods.

In this connection, let us recall that Deuteronomy is often understood as the "book" discovered in the Temple in the late seventh century. As I said earlier, Judah was a vassal of Assyria for the preceding decades, during which some form of Deuteronomy might have been written. It may have even been meant to attack the type of Assyrian worship introduced in the early seventh century by King Manasseh, the great apostate king. By later in the seventh century, when Deuteronomy was "found," Judah was no longer a vassal of Assyria, which was busy fighting a losing series of wars against the ascendant Babylonians. It is easy to understand in this context why the book argues that God (rather than some Mesopotamian power) is the true overlord, and that the forms of worship introduced by Manasseh under Assyrian influence are offensive.[21]

For the Love of God

Understanding Deuteronomy as a theologized political treaty, in which the overlord is God and the vassal is Israel, affects how we understand the book as a whole, as well as some of its parts.[22] Certain elements of the book—such as the long historical prologue, the injunction concerning the reading of the book and its safekeeping (31:9–13, 26), and its interest in witnesses—are best understood within the broader treaty context.[23] More significantly, Assyrian treaties use certain words as technical terms (that is, they do not have their normal meanings); it is likely that Deuteronomy uses their Hebrew equivalents in the same way.

From the Jewish perspective, one of the most important sections of Deuteronomy is 6:4–9, which by early in the rabbinic period was recited as a prayer called the *Shema* after its first word (it begins: *shema yisrael,* "Hear, O Israel").[24] Before the discovery of the connection between Deuteronomy and Assyrian vassal treaties, the beginning of verse 5 was the subject of much dis-

cussion: "You shall love the LORD your God with all your heart and with all your soul and with all your might." How can such love be commanded?

The Vassal Treaties of Esarhaddon clarifies what this means. The main purpose of VTE is to assure the proper succession of Ashurbanipal, son of Esarhaddon, to the throne after the death of his father. (Rebellions by vassals were common after a king's death. Indeed, a rebellion had preceded the accession of Esarhaddon himself to the throne.) In this connection, one of the main stipulations of VTE is that the vassals must "love the crown prince designate Ashurbanipal."[25] In this context, it is quite clear that not emotional love, but obedience is being sought. William Moran, who first noted that this is the love that Deuteronomy as well is seeking, called it "covenantal love" and suggested that it is identical with loyalty and obedience.[26]

This has extremely important implications for how we should read Deuteronomy 6:5 and what follows. Most translations, including the JPS translation, put a period after verse 5, suggesting that love of God is separate from the injunctions that follow. Probably a better punctuation of this text would be:

> You shall love the LORD your God with all your heart and with all your soul and with all your might: Take to heart these instructions with which I charge you this day—impress them upon your children, recite them when you stay at home and when you are away, when you lie down and when you get up; bind them as a sign on your hand and let them serve as a symbol on your forehead; inscribe them on the doorposts of your house and on your gates.

In this reading, "love"—namely obedience and loyalty—is not important in itself, but matters to the extent that it is expressed through concrete actions: teaching children, reciting these words,[27] binding and inscribing them.[28] In the same way that human love can be fully shown only when emotion is expressed, love of God must be expressed through actions. Without understanding the treaty background of Deuteronomy, it is easy to miss this point, and to insist—as so many commentators and interpreters have—that Deuteronomy commands love as an emotion. The contextual, historical-critical reading of the book prevents this error.

Conclusion

Deuteronomy is a very special book. Almost any passage from it is recognizable instantly due to its characteristic vocabulary and distinctive phrases and

rhythms.[29] Its ideas—especially the importance of worshipping *one* God in *one* fashion and in *one* place (e.g., "It has been clearly demonstrated to you that the LORD alone is God; there is none beside Him"; 4:35)[30]—also set it apart from the rest of the Torah. Although these ideas become central within Judaism, they were not expressed earlier in such clear, unequivocal terms. The origin and purpose of some of these ideas may remain unclear,[31] yet reading it as a response to a seventh-century vassal treaty imposed on Judah by the Assyrians helps to explain much of what makes Deuteronomy unique.