

DEUTERONOMY

and the

HERMENEUTICS

of

LEGAL

INNOVATION

Bernard M. Levinson

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To my father, Ulysses

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PREFACE

Research for this book began with my doctoral dissertation, undertaken at Brandeis University and directed by Michael Fishbane, who first introduced me to the nature of textuality in ancient Israel and who fostered my approach to the material. His encouragement of my independence set a lasting model—not only for scholarly achievement but also for devotion to learning and commitment to family. This book represents a comprehensive rethinking and complete revision of the dissertation. The change in perspective came about as a result of a year's research leave in Germany. I am very grateful to Professor Norbert Lohfink, who first encouraged me to come to Germany and who provided extensive comments on my dissertation. I am also deeply grateful to Professor Eckart Otto of the Faculty of Protestant Theology at the Johannes Gutenberg University in Mainz for making that year possible. He generously offered me a position in the Seminar for Biblical Archaeology while freeing me to pursue my own research as we engaged in wide-ranging discussions about the field of biblical studies. That I here engage in debate with these three—whom I regard as teachers, senior colleagues, and friends—only indicates how much I have learned from them.

This book is concerned with how the authors of Deuteronomy drew on and transformed earlier literary sources in order to mandate a major transformation of religion and society in ancient Israel. In order to map that reuse, it is essential to employ the technical terms developed by biblical scholars to refer to the literary sources of the Bible. In the real hope that this book will find a wider readership, however, I would like to provide a simple primer for some of the terms, which may be obscure for nonspecialists. The classical documentary hypothesis assumes the Pentateuch to be the combination of four originally independent literary sources: the Yahwistic work, the Elohist work, Deuteronomy, and the Priestly source, which includes the Holiness Code (Leviticus 17–26). These sources are conventionally abbreviated J (after the German term for the Yahwist), E, D, P (with H). J and E are assumed to be the

oldest sources of the Pentateuch; at a relatively early stage of their literary growth they are understood to have been combined together as the work of the Jehovist, or JE. The core of Deuteronomy is normally associated with Josiah's reform, as narrated in 2 Kings 22–23, which would date to 622 B.C.E. Most scholars date the Priestly source and the Holiness Code later than Deuteronomy, to the exilic and postexilic eras, although a number of scholars, chiefly Israeli, date it prior to or contemporary with Deuteronomy.

The term “the Deuteronomistic History” (or DtrH) also requires explanation. It refers to the entirety of Joshua, Judges, 1–2 Samuel, and 1–2 Kings, viewed as the redactional achievement of one or more editors who worked under the literary influence of Deuteronomy. Most American scholars believe that a first edition of this work was completed during Josiah's reign; most European scholars believe that the work was not begun until the Exile. This editor or editors gave Deuteronomy its present introduction in chapters 1–4, which thereby provide the introduction to the Deuteronomistic History. Since the editor was also active elsewhere in Deuteronomy (and, many hold, in Exodus), scholars find it necessary to distinguish the material original to Deuteronomy, called Deuteronomic, from the later additions to this text, which are called Deuteronomistic. Many scholars also identify Deuteronomistic additions to the prophetic books, like Jeremiah, but that goes beyond the scope of this book.

Completion of this manuscript was facilitated by a one-semester teaching reduction granted by Fedwa Malti-Douglas, Martha C. Kraft Professor of the Humanities and Chair of the Department of Near Eastern Languages and Cultures at Indiana University. I am indebted to a number of colleagues and friends whose comments on previous drafts of part or all of this manuscript were invaluable and whose generosity was often heroic: Professors James S. Ackerman, Marc Brettler, Alan M. Cooper, Sam Greengus, Baruch Halpern, Stephen Katz, Gary Knoppers, Herbert Marks, Benjamin Nathans, Dina Spechler, and Stephen Weitzman. The painstaking comments by Oxford's anonymous readers were very beneficial. Cynthia Garver helped pay careful attention to demanding details of formatting while guiding the manuscript through production at Oxford. The Author Index and the Index of Scriptural and Other Citations were prepared by my student and friend Alexander Moorhead, whose meticulous work is exceeded only by his ability as a budding Hebraist and by his grace. I especially acknowledge the kindness of Professor Leah Shopkow, who taught me much about both friendship and writing.

Bloomington, Indiana

June 1996

B.M.L.

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ABBREVIATIONS

AB	Anchor Bible
AJBI	<i>Annual of the Japanese Biblical Institute</i>
AnBib	Analecta biblica
ANET	James B. Pritchard (ed.), <i>Ancient Near Eastern Texts Relating to the Old Testament</i> (Princeton: Princeton University Press, 1969)
AOAT	Alter Orient und Altes Testament
AOS	American Oriental Series
ATANT	Abhandlungen zur Theologie des Alten und Neuen Testaments
BBB	Bonner biblische Beiträge
BDB	F. Brown, S. R. Driver, and S. A. Briggs, <i>Hebrew and English Lexicon of the Old Testament</i> (Oxford: Clarendon, 1907)
BETL	Bibliotheca ephemeridum theologiarum lovaniensium
BFCT	Beiträge zur Förderung christlicher Theologie
<i>Bib</i>	<i>Biblica</i>
BJS	Brown Judaica Studies
BN	<i>Biblische Notizen</i>
BWANT	Beiträge zur Wissenschaft vom Alten und Neuen Testament
BZAW	Beihefte zur <i>Zeitschrift für die alttestamentliche Wissenschaft</i>
CAD	<i>The Assyrian Dictionary of the Oriental Institute of the University of Chicago</i>
CahRB	Cahiers de la Revue biblique
CBQ	<i>Catholic Biblical Quarterly</i>
ConBOT	Coniectanea biblica, Old Testament
CRINT	Compendia rerum iudaicarum ad novum testamentum
ErFor	Erträge der Forschung
<i>EstBib</i>	<i>Estudios bíblicos</i>
ETL	<i>Ephemerides theologicae lovanienses</i>

FRLANT	Forschungen zur Religion und Literatur des Alten und Neuen Testaments
GKC	E. Kautzsch (ed.), Gesenius' Hebrew Grammar, tr. A. Cowley (2d ed.; Oxford: Clarendon, 1910)
GTA	Göttinger theologische Arbeiten
HALAT	L. Koehler and W. Baumgartner et al. (eds.), <i>The Hebrew and Aramaic Lexicon of the Old Testament</i> , tr. M. E. J. Richardson (4 vols.; Leiden: E. J. Brill, 1994–97)
HAR	<i>Hebrew Annual Review</i>
HBS	Herders Biblische Studien/Herder's Biblical Studies
HSM	Harvard Semitic Monographs
HTR	<i>Harvard Theological Review</i>
HUCA	<i>Hebrew Union College Annual</i>
ICC	International Critical Commentary
IDBSup	<i>Interpreter's Dictionary of the Bible</i> , Supplementary Volume (Nashville: Abingdon, 1976)
IEJ	<i>Israel Exploration Journal</i>
Int	<i>Interpretation</i>
JAOS	<i>Journal of the American Oriental Society</i>
JBL	<i>Journal of Biblical Literature</i>
JCS	<i>Journal of Cuneiform Studies</i>
JJS	<i>Journal of Jewish Studies</i>
JNES	<i>Journal of Near Eastern Studies</i>
JPOS	<i>Journal of Palestine Oriental Society</i>
JPS	Jewish Publication Society
JQR	<i>Jewish Quarterly Review</i>
JSOT	<i>Journal for the Study of the Old Testament</i>
JSOTSup	Journal for the Study of the Old Testament Supplement Series
JTS	<i>Journal of Theological Studies</i>
KeHAT	Kurzgefasstes exegetisches Handbuch zum Alten Testament
LD	Lectio divina
LXX	Septuagint (Greek) translation of the Hebrew Bible
MT	Masoretic Text of the Hebrew Bible
NCBC	New Century Bible Commentary
NEB	New English Bible
NJPSV	New Jewish Publication Society Version = <i>Tanakh: A New Translation of the Holy Scriptures according to the Traditional Hebrew Text</i> (Philadelphia: JPS, 1988)
NRSV	New Revised Standard Version
OBO	Orbis biblicus et orientalis
OrAnt	<i>Oriens antiquus</i>
OTL	Old Testament Library
OTS	<i>Oudtestamentische Studiën</i>
PAAJR	<i>Proceedings of the American Academy of Jewish Research</i>
QD	Quaestiones disputatae
RB	<i>Revue biblique</i>

RSV	Revised Standard Version
SBAB	Stuttgarter Biblische Aufsatzbände, Altes Testament
SBLDS	Society of Biblical Literature Dissertation Series
SBLMS	Society of Biblical Literature Monograph Series
SBLMasS	Society of Biblical Literature Masoretic Studies
SBLWAW	Society of Biblical Literature Writings from the Ancient World
SBS	Stuttgarter Bibelstudien
SBT	Studies in Biblical Theology
ScrHier	Scripta hierosolymitana
SJLA	Studies in Judaism in Late Antiquity
<i>SJOT</i>	<i>Scandinavian Journal of the Old Testament</i>
SSN	Studia semitica neerlandica
StudBib	Studia Biblica
TBü	Theologische Bücherei
<i>TDOT</i>	G. J. Botterweck and H. Ringgren (eds.), <i>Theological Dictionary of the Old Testament</i> (Grand Rapids: Eerdmans, 1974–)
<i>Tg.</i>	<i>Targum</i>
<i>TLZ</i>	<i>Theologische Literaturzeitung</i>
<i>TP</i>	<i>Theologie und Philosophie</i>
<i>TRE</i>	<i>Theologische Realenzyklopädie</i>
<i>TRu</i>	<i>Theologische Rundschau</i>
<i>TWAT</i>	G. J. Botterweck and H. Ringgren (eds.), <i>Theologisches Wörterbuch zum Alten Testament</i> (Stuttgart: Kohlhammer, 1970–)
VS	Verbum salutis
VT	<i>Vetus Testamentum</i>
VTSup	Vetus Testamentum, Supplements
WMANT	Wissenschaftliche Monographien zum Alten und Neuen Testament
<i>WZKM</i>	<i>Wiener Zeitschrift für die Kunde des Morgenlandes</i>
<i>ZA</i>	<i>Zeitschrift für Assyriologie</i>
<i>ZAW</i>	<i>Zeitschrift für die alttestamentliche Wissenschaft</i>
<i>ZTK</i>	<i>Zeitschrift für Theologie und Kirche</i>

The abbreviations of biblical books and pseudepigraphical and rabbinic literature follow the conventions of *JBL*, as found most recently in the *Society of Biblical Literature Membership Directory and Handbook* (Decatur: Society of Biblical Literature, 1994) 223–40. For the sake of convenience, the abbreviations of the books of the Hebrew Bible are presented below:

Gen	Genesis	1–2 Kgs	1–2 Kings
Exod	Exodus	Isa	Isaiah
Lev	Leviticus	Jer	Jeremiah
Num	Numbers	Ezek	Ezekiel
Deut	Deuteronomy	Hos	Hosea
Josh	Joshua	Joel	Joel
Judg	Judges	Amos	Amos
1–2 Sam	1–2 Samuel	Obad	Obadiah

Jonah	Jonah	Prov	Proverbs
Mic	Micah	Ruth	Ruth
Nah	Nahum	Cant	Canticles (Song of Songs)
Hab	Habakkuk	Qoh	Qoheleth (Ecclesiastes)
Zeph	Zephaniah	Lam	Lamentations
Hag	Haggai	Esth	Esther
Zech	Zechariah	Dan	Daniel
Mal	Malachi	Ezra	Ezra
Ps (<i>pl.</i> : Pss)	Psalms	Neh	Nehemiah
Job	Job	1-2 Chr	1-2 Chronicles

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1

Textual Revision and Cultural Transformation

The Hermeneutics of Legal Innovation in Deuteronomy

For centuries the legal corpus of Deuteronomy 12–26 has presented biblical scholars with two key difficulties. The first involves the seemingly arbitrary selection of topics within the legal corpus, their lack of coherent order, their frequent repetition, and their often tortuous philological structure. The second involves the ambiguous relationship of the corpus as a whole to the Covenant Code (Exod 20:22–23:33), a text on which it seemingly depends for both content and language but from which it nonetheless diverges in significant ways.¹ These problems, usually considered independently, have not yet found satisfactory solution. In this book I argue that they are inextricably linked. Innovation took place by means of literary reformulation in Deuteronomy; once that is recognized, the long-standing critical difficulties begin to yield. Deuteronomy represents a radical revision of the Covenant Code. The authors of Deuteronomy sought to implement a far-reaching transformation of religion, law, and social structure that was essentially without cultural precedent. They therefore turned to the earlier code in order to anchor their departure from legal convention in the very textual heritage from which they cut themselves free in substantive terms. They deliberately presented their new vision of the Judaeen polity as continuous with the abrogated past and used the earlier textual material, carefully transformed, to sanction their own inde-

1. The Covenant Code (or Book of the Covenant) is conventionally defined as Exod 21:1–23:19, together with its preface, 20:22–26, and its homiletical conclusion, 23:20–33. There is an ongoing scholarly debate, however, concerning how much of that present textual compass is pre-Deuteronomic and how much is a result of Deuteronomistic additions. Providing a useful overview is Brevard S. Childs, *The Book of Exodus* (OTL; Philadelphia: Westminster, 1974) 451–88. Recent work has greatly increased the amount of material ceded to Deuteronomistic literary activity. On these matters, see “The Question of Deuteronomistic Revision of the Covenant Code.”

pendent agenda. Many of the problems of coherence and structure in the legal corpus result from this revisionist activity.

The authors of Deuteronomy were sophisticated interpreters or, better, reinterpreters of texts, both Israelite and cuneiform. They were skilled scribes confronting a central problem in the history of religions: the justification of innovation.² Central to Deuteronomy is the question of hermeneutics. In stressing the importance of hermeneutics, I do not restrict it to the discipline of the contemporary biblical scholar or exegete, who is concerned to explicate the text philologically and raise the question of its contemporary meaning. Hermeneutics is not simply a matter of the history of reception and interpretation of Deuteronomy by ancient, medieval, or modern communities of believers or scholars. Instead, Deuteronomy was already a complex hermeneutical work from the beginning; it was the composition of authors who consciously reused and reinterpreted earlier texts to propound and justify their program of cultic and legal reform, even—or particularly—when those texts conflicted with the authors' agenda. Previous scholarship has not fully recognized, let alone conceptualized, the centrality of this hermeneutical question to Deuteronomy's authors, nor the extent to which, once recognized, it helps explain a number of long-standing problems that have otherwise resisted solution.

Deuteronomy is, on the one hand, among the most radically innovative literary units in the Hebrew Bible and, on the other, among those that most loudly silence the suggestion of innovation. The earliest literary strata of the Pentateuch, both legal and narrative, as well as the narratives of Joshua through 2 Kings, clearly contemplate sacrificial worship of Yahweh at multiple altar sites throughout the land. To select only the most familiar of examples, Abraham sacrifices at Shechem and Beth El, Jacob at Beth El, Samuel at Shiloh and Ramah, and Elijah upon Mount Carmel.³ Contrary to this norm, the authors of Deuteronomy prohibit all sacrificial worship at the familiar local altars. They restrict legitimate sacrifice to a single, exclusive site, "the place that Yahweh shall choose," Deuteronomy's circumlocution for Jerusalem and its Temple.⁴ The radically disruptive nature of that transformation of religious routine should not be underestimated. Deuteronomy's repeated emphasis on the "joy" to be experienced at the central sanctuary might well represent an attempt to pro-

2. See Jonathan Z. Smith, "Sacred Persistence: Toward a Redescription of Canon," in *Imagining Religion: From Babylon to Jonestown* (Chicago Studies in the History of Judaism; Chicago and London: University of Chicago Press, 1982) 36–52; and Bernard M. Levinson, "The Human Voice in Divine Revelation: The Problem of Authority in Biblical Law," in *Innovation in Religious Traditions* (ed. Michael A. Williams, Collett Cox, and Martin S. Jaffee; Religion and Society 31; Berlin: Mouton de Gruyter, 1992) 35–71. Note also the editors' introduction and extensive bibliography.

3. Gen 12:7–8; 35:1–7; 1 Sam 3:1; 7:17; and 1 Kgs 18:20–46.

4. The text of Deuteronomy nowhere itself specifies that the formula refers to Jerusalem. Although there is universal agreement that, in the final version of the legal corpus, the Jerusalem Temple is intended, some scholars have maintained that the formula originally functioned distributively, not exclusively. They thereby argue that, in earlier strata, the formula applied to other sanctuaries, like Shiloh or Beth El. For a more complete discussion of this issue, see chapter 2, n. 1.

vide compensation for the loss of the local cultic sites, where the people would more conventionally have gained access to the deity.⁵ The rejection and transformation of the religious status quo does not stop with the institution of sacrifice alone. Already invasive and revolutionary, the implications of centralization extend still further.

The Deuteronomic proscription of local cultic activity and restriction of cultic action to the central sphere entailed the obligation to revise essentially the entire apparatus of cultic rituals and institutions that governed local cultic activity: tithes and firstlings, the festival calendar with its pilgrimages to local sanctuaries, and the Passover as an apotropaic blood rite involving a home slaughter. The authors of Deuteronomy also had to transform institutions of public life that did not directly involve the cultus. Judicial procedure, for example, had to be reorganized—because the local sanctuary had played a crucial role in the resolution of ambiguous civil and criminal legal cases. Even the conventional role of the king in Israelite society, as the highest civil and judicial authority, was fundamentally transformed on account of centralization. In this case centralization ironically led to a decrease in royal power, as the Temple eclipsed the king's authority.⁶

But the Deuteronomic authors' transformative action did not operate exclusively at the empirical level. Their profound transformation of Judah's religious and judicial institutions cannot be understood apart from the larger problem of innovation in a culture in which prestigious or authoritative texts occupy an important place. In commanding centralization, the authors and editors of the legal corpus did not create *lex ex nihilo*. They confronted existing legal texts that enshrined the legitimacy of the local altars that the Deuteronomic authors sought to prohibit. Granted, those legal texts may not yet have had the status of actual public law; they may have been only prestigious texts, part of the curriculum of scribal schools, but they were nonetheless texts that could not simply be ignored or dispensed with. The authors of Deuteronomy, in one way or another, had to take account of these texts and justify their departure from their norms.

In the innovation of centralization, therefore, the Deuteronomic authors did not only transform empirical institutions. They also rewrote literary history. Their paradoxical technique for defending their innovation was, in many cases, to appropriate and rework the earlier texts that would seem to preclude centralization. The authors of Deuteronomy coopted those texts, accommodating them to their innovations, by citing selected key words and phrases (lem-

5. Deut 12:7, 12, 18; 14:26; 15:20; 16:11, 14, 15; 26:11. For this point see Norbert Lohfink, "The Cult Reform of Josiah of Judah: 2 Kings 22–23 as a Source for the History of Israelite Religion," in *Ancient Israelite Religion: Essays in Honor of Frank Moore Cross* (ed. Patrick D. Miller, Jr., Paul D. Hanson, and S. Dean McBride; Philadelphia: Fortress, 1987) 459–75 (469); Lohfink, "Opfer und Säkularisierung im Deuteronomium," in *Studien zu Opfer und Kult im Alten Testament* (ed. Adrian Shenker; Forschungen zum Alten Testament 3; Tübingen: J. C. B. Mohr [Paul Siebeck], 1992) 15–43 (31); and Rainer Albertz, *A History of Israelite Religion in the Old Testament Period* (2 vols.; OTL; Louisville: Westminster/John Knox, 1994) 1.211.

6. See chapter 4 for the revisions both of judicial procedure and of royal authority.

mas) from their source texts and giving them new contexts and meanings. In the process, the authors camouflaged the radical and often subversive nature of their innovations, as the new textual content was often expressed, quite literally, using the terms of the older dispensation. Such learned textual recycling left in its wake a number of clear editorial markers, including citation formulas, repetitive resumption, devoicing, revoicing, and intertextual allusion. Many of the philological difficulties of the text derive from and become intelligible in light of this hermeneutical activity. They are not merely the evidence of redactional layering of pre-Deuteronomic, Deuteronomic, and Deuteronomistic strata. Rather, they represent the wake of transformative exegesis, the deliberate attempt to rework prestigious texts in light of the innovation of centralization. Standard diachronic literary criticism, although it provides the essential analysis of the philological problems of the text, lacks access to their solution unless it takes into account the hermeneutics of innovation. The scribal authors of Deuteronomy authorized their radical cultic and legal transformations by disclaiming their innovative force. Very likely, even the voicing of Deuteronomy—its attribution to Moses—points to the attempt by the text's authors to lend legitimacy to their innovations.⁷ The voice of the text belies its belatedness. By means of it, the text's authors purchased a pedigree—both an antiquity and an authority—that the text properly lacked. In so doing, they borrowed pseudepigraphically from the very textual authority that they subverted.⁸

Methodological Presuppositions

In arguing that Deuteronomy revises the Covenant Code, I assume that the Covenant Code as a text chronologically precedes Deuteronomy and was known, in whole or in part, by Deuteronomy's authors. Each component of that assump-

7. There is no scholarly consensus about whether Deuteronomy's being garbed as Mosaic speech is original to its composition; hence, there are other ways of explaining the evidence. Contending that the Mosaic voicing of the legal corpus is not original but represents the work of its later Deuteronomistic editors is Norbert Lohfink, "2 Kön 23,3 und Dtn 6,17," *Bib* 71 (1990) 34–42; and Lohfink, "Das Deuteronomium: Jahwegesetz oder Mosegesetz? Die Subjektzuordnung bei Wörtern für 'Gesetz' im Dtn und in der dtl Literatur," *TP* 65 (1990) 387–91. Against Lohfink, Eleonore Reuter argues for the originality of the Mosaic voicing (*Kultzentralisation: Entstehung und Theologie von Dtn 12* [BBB 87; Frankfurt: Anton Hain, 1993] 213–26). In his review article, however, Lohfink maintains that Reuter misrepresents his position, which he there also amplifies ("Kultzentralisation und Deuteronomium: Zu einem Buch von Eleonore Reuter," *Zeitschrift für Altorientalische und Biblische Rechtsgeschichte*, 1 [1995] 117–48). Lohfink's review article provides a valuable assessment of the archaeological evidence for and against the historicity of Josiah's centralization of the cultus.

8. Morton Smith has demonstrated that pseudepigraphy is a literary technique characteristic of a broad range of texts within the Hebrew Bible and that Deuteronomy's attribution to Moses provides a classic example of it. See his "Pseudepigraphy in the Israelite Literary Tradition," in *Pseudepigrapha I: Pseudopythagorica—Lettres de Platon—Littérature pseudépigra- phique juive* (ed. Kurt von Fritz; Fondation Hardt; Entretiens sur l'antiquité classique 18; Geneva: Vandoeuvres, 1971) 191–215.

tion is consistent with the broad scholarly consensus.⁹ Some scholars have challenged the very idea of literary relation between Deuteronomy and the Covenant Code or have reversed the consensus, claiming that the Covenant Code, in whole or in part, depends upon Deuteronomy.¹⁰ While raising valuable issues, these challenges have for good reason not won currency. There is clear precedent in the ancient Near East for subsequent legal collections directly revising earlier ones in order to articulate developments in juridical thought.¹¹ Moreover, the degree of the detailed lexical and syntactical correspondence between Deuteronomy and the Covenant Code is too extensive to be explained otherwise than

9. For the most recent presentations of the history of research, see Albert de Pury and Thomas Römer, "Le Pentateuque en question: Position du problème et brève histoire de la recherche," *Le Pentateuque en question: Les Origines et la composition des cinq premiers livres de la Bible à la lumière des recherches récentes* (Le Monde de la Bible 19; 2d ed.; Geneva: Labor et Fides, 1991) 9–80; and Norbert Lohfink, "Deutéronome et Pentateuque: État de la recherche," *Le Pentateuque: Débats et recherches* (ed. P. Haudebert; LD 151; Paris: Cerf, 1992) 35–64.

10. Denying any literary relation whatsoever among the biblical legal corpora is Yehezkel Kaufmann, *Toledot ha-ʿemuna ha-yisreʿelit* (8 vols. in 4; Jerusalem: Bialik Institute; Tel Aviv: Dvir, 1937–56) I.113–42, 201–203 (Hebrew); abridged as *The Religion of Israel: From Its Beginnings to the Babylonian Exile* (tr. Moshe Greenberg; Chicago: University of Chicago Press, 1960) 205. Also denying dependence among the legal corpora is Rosario Pius Merendino, *Das deuteronomische Gesetz: Eine literarkritische, gattungs- und überlieferungsgeschichtliche Untersuchung zu Dt 12–26* (BBB 31; Bonn: Peter Hanstein, 1969) 401–402. Accepting dependence but reversing the sequence to argue that Exod 22:17–23:19 depends upon Deuteronomy is Gary Alan Chamberlain, "Exodus 21–23 and Deuteronomy 12–26: A Form-critical Study" (Ph.D. diss., Boston University, 1977) 129–59. Dating J postexilically, eliminating E, and therefore reversing the consensus to claim the dependence of both J and the Covenant Code upon Deuteronomy is John Van Seters, "The Place of the Yahwist in the History of Passover and Massot," *ZAW* 95 (1983) 167–82; Van Seters, "Etiology in the Moses Tradition: The Case of Exodus 18," in *Biblical and Other Studies in Memory of S. D. Goitein* (ed. R. Ahroni; HAR 9; Columbus: Department of Judaic and Near Eastern Languages and Literatures, Ohio State University, 1985), 355–61; Van Seters, "'Comparing Scripture with Scripture': Some Observations on the Sinai Pericope of Exodus 19–24," in *Canon, Theology, and Old Testament Interpretation: Essays in Honor of Brevard S. Childs* (ed. G. M. Tucker, D. L. Petersen, and R. R. Wilson; Philadelphia: Fortress, 1988) 111–30; and Van Seters, *The Life of Moses: The Yahwist as Historian in Exodus–Numbers* (Louisville: Westminster/John Knox, 1994).

11. Establishing deliberate legal revision of cuneiform legal collections, based on developments in judicial thought, are J. J. Finkelstein, *The Ox That Gored* (Transactions of the American Philosophical Society 71:2; Philadelphia: American Philosophical Society, 1981) 18–20; Barry L. Eichler, "Literary Structure in the Laws of Eshnunna," *Language, Literature and History: Philological and Historical Studies Presented to Erica Reiner* (ed. F. Rochberg-Halton; AOS 67; New Haven: American Oriental Society, 1987) 71–84; Reuven Yaron, "'Enquire Now about Hammurabi, Ruler of Babylon,'" *Legal History Review* 49 (1991) 223–38; and Eckart Otto, "Aspects of Legal Reform and Reformulation in Ancient Cuneiform and Israelite Law," in *Theory and Method in Biblical and Cuneiform Law: Revision, Interpolation, and Development* (ed. Bernard M. Levinson; JSOTSup 181; Sheffield: Sheffield Academic Press, 1994) 160–96. Denying revision but maintaining that the individual legal collections were part of a coherent literary and scholastic curriculum is Raymond Westbrook, *Studies in Biblical and Cuneiform Law* (CahRB 26; Paris: J. Gabalda, 1988) 1–8; and Westbrook, "What Is the Covenant Code?," in *Theory and Method in Biblical and Cuneiform Law: Revision, Interpolation, and Development* (ed. Bernard M. Levinson; JSOTSup 181; Sheffield: Sheffield Academic Press, 1994) 20–32.