

Robert Vannoy, Deuteronomy, Lecture 11

© 2011, Robert Vannoy, Perry Phillips and Ted Hildebrandt

Various Scholars and Various Dates for Deuteronomy

1. Three Scholars Favoring Post-Exilic Date for Deuteronomy
 - a. Kennett: Deuteronomy written in the Time of Haggai/Zechariah

There are three names with three views we want to discuss, and the first is R.H. Kennett. If you look at your bibliography, page two, you see R.H. Kennett *Deuteronomy and the Decalogue*, Cambridge Press. Kennett wrote that book in 1920. He proposed a date for Deuteronomy in the time of Haggai and Zechariah and said it could not have been written under either Hezekiah or Manasseh or Josiah. Some of the reasons he advocated were, he said, to gather all Israel together annually to one sanctuary would have been impracticable in the time of Hezekiah, Manasseh, or Josiah. If it was a requirement that all Israel go to the central sanctuary, keying on the centralization of worship, the one sanctuary for the annual feast, he says that would have been impractical in those earlier times. However, in the time of Haggai and Zechariah after the return from exile, when it was a relatively small community, it might have been workable, he said.

He says, “Any attempt to carry out the laws of Deuteronomy 13 would have meant civil war.” Deuteronomy 13 concerns false worshippers, and earlier in Israel’s history what he’s saying is, there were so many people engaging in idolatry, that it simply would have been impractical to try to enforce central worship. You notice, Deuteronomy 13 says, “If a prophet, or one who foretells by dreams, appears among you and announces to you a sign or wonder, and if the sign or wonder spoken of takes place, and the prophet says, ‘Let us follow other gods and let us worship them,’ you must not listen to the words of that prophet or dreamer.” Verse five says, “That prophet or dreamer must be put to death.” Verse six says, “If your very own brother, or your son or daughter, or the wife you love,

or your closest friend secretly entices you, saying, ‘Let us go and worship other gods,’ show them no pity. Do not spare them or shield them. You must certainly put them to death.”

So that strict penalty for false worship and false prophets, he says, that simply couldn’t have been enforced in the time of Hezekiah, Manasseh, or Josiah.

Chapter 17, which is the law of the king, the latter part of the chapter, Kennett says, “could not have been written when a king was on the throne. But only, ‘when there is a probability that one would be elected.’” In other words, it looks like a time when kingship is to be established, not like a time when kingship already is established. If you were in the time of Hezekiah, Manasseh or Josiah, it already is established. If you go to the post-exilic period when they come back with the governor, they’re hoping for a return, maybe to kingship, so he thinks it would probably fit better there. He says, “There is no king, but there’s a probability that one will be elected. And strange to say, it is necessary to insist that the king who may be elected by the community generally should be of Israelite birth.” Now the law of the king says, in Deuteronomy 17:15, “Do not place a foreigner over you, one who is not a brother Israelite.”

So those were the reasons Kennett, gave why the date of Deuteronomy doesn’t fit in the 600’s and wants to push it later, to post-exilic times. I think the immediate question to a view like Kennett’s is: why go to post-exilic times; why not go to pre-monarchic times? That satisfies his objections; and, of course, it is consistent with the claims of the book of Deuteronomy, as well.

b. Holscher: Josiah’s Book of the Law was not Deuteronomy [Post-exilic date]

All right “d” is G. Holscher, also on page two of your bibliography. It’s a German work, *The Composition, Origin of Deuteronomy*, 1922. Holscher’s thesis was that because of the detailed description of II Kings 22, you cannot deny the historicity of II Kings 22. But he denied that the law book of Josiah could be

identified with Deuteronomy. In Holscher's view, Deuteronomy represented a program for a restoration of Israel after the exile. He felt it came from the priestly circles in Jerusalem and dated it at about 500 B.C.

Among his arguments were: he said it fits better in post-exilic times than pre-exilic, much as Kennett was saying. He also said that Deuteronomy 16, which requires the whole family go to Jerusalem, was inoperable in pre-exilic times. And to quote from J. Thompson speaking of Holscher, Thompson says, "He proposed that Deuteronomy was not a program for reform, but the wishful thinking of unrealistic post-exilic dreamers. He also said that it's unlikely that Josiah would proclaim Deuteronomy 17:14 as the law of the land when it restricted the rights of the king." In other words, the law of the king in Deuteronomy 17 put certain limitations to what a king could do. He's saying, why would a king tie his own hands?

Further, he observes from the Elephantine papyri found in Egypt dating from the fifth century B.C. that it seems that the Jewish community there unacquainted with the idea of centralization of worship because they had their own center of worship there. In fact, they were asking people of Jerusalem to help support the building of the temple there in that area of Egypt. His idea is then that Deuteronomy, with its centralization emphasis, hadn't been promulgated yet because the people at Elephantine Egypt seemed to be unacquainted with the demands of Deuteronomy. This was in the fifth century B.C., so Holscher would put Deuteronomy fairly late in the post-exilic period. He claims that the fact that they had a place of worship there and were even soliciting funds for the building of the temple shows they had no idea of the centralization belief. Therefore, he's saying Deuteronomy didn't even exist. Of course, you could equally say Deuteronomy was Mosaic and these people had long since forgotten or ignored it.

Deuteronomy does say all the males, so it's not that everybody had to go to Jerusalem, but the heads of households, or maybe heads of a clans, which then

would give more of a representative kind of view.

c. Patton's Objections to Post-Exilic Date of Deuteronomy [favors a Josian Date 621 BC]

Alright, that's in general, just briefly, the idea of Holscher. His view was attacked by Patton in that article I mentioned earlier. It's page three of your bibliography, in *JBL*, 1928, "The Case for the Post-exilic Origin of Deuteronomy." There he is examining Holscher's case. What Patton does, is argue for the traditional Wellhausian standpoint. And Patton does that with a number of arguments, arguing for the Wellhausian standpoint over against Holscher.

He criticizes Holscher. First he emphasizes that the measures taken by Josiah in II Kings 22 conform to the requirements of Deuteronomy. In other words, if you compare what Josiah did in his reformation, in II Kings 22 and 23, Patton argues that those things conform to the requirements of Deuteronomy. I don't have a lot of problem with that. I think you can draw a certain connection between Deuteronomy and what Josiah did.

Second, Patton says, "The historical trustworthiness of II Kings 22 cannot be questioned." Again, that's interesting. I'll quote from him, again, "What the editor of Kings wrote out of his own head about the times of David and Solomon, perhaps even about the times of Hezekiah, may well be literary invention, but the days of Josiah were too near and too clear in the memory of his contemporaries for him to make up the story out of whole cloth." So again, you see, you get that interesting twist where he's arguing for the historical reliability of Josiah's story, while at the same time admitting that David's story and the Solomon's story, maybe even the Hezekiah's story, were fabrications. Holscher similarly said that II Kings 22 was generally reliable, but it had some later additions.

My next point is that Patton criticized Holscher's view that II Kings 23:8a, 9-10, 15, 21-27 were later additions added after 500 B.C. So Holscher would say

these passages are generally reliable, but there were these later additions, and Patton criticizes him for intimating those later additions. Patton says, “Holscher begins by eliminating a number of verses in these chapters as interpolations by redactor D2, the very latest editor of the book of Kings, and so forth. Holscher’s main argument for rejecting 23:8a and 9-10 is that they interrupt the context.” I won’t go into the details of that, but you get that debate between those two.

Let me just mention here that Holscher’s view was that Josiah was not a person who centralized worship so much as a person who purified it, and for that no knowledge of Deuteronomy is required. Deuteronomy is what centralizes worship, and that’s later, than Josiah’s reformation. In Holscher’s view it was purification of worship, not centralization of worship. The way Jeremiah was treated and the lack of response among the people to his message would indicate that whatever went on in Josiah’s reform, it was not something that turned the whole nation around and continued. There’s somewhat of a mystery there as to exactly what the connection of Jeremiah, the prophet, is to Josiah’s reform. Jeremiah’s not mentioned in Kings in connection with Josiah’s reform, and Josiah isn’t mention in Jeremiah. That doesn’t necessarily mean there’s any problem here; it’s just we don’t know exactly how Jeremiah was involved in the implementation of some of those reforms or what his role was. It’s just not addressed. But it doesn’t seem like the reformation was one that was of such significance, depth, and duration. Jeremiah’s warnings and his calls for the people to return to the Lord fell on deaf ears. They just about killed him.

In reference to Holscher, what scroll was found in the temple in the time of Josiah? I’m not sure, but I assume he would think it was maybe the Covenant Code, or some other part of the Pentateuch.

As far as that Elephantine argument, that they didn’t have any knowledge of this centralization of worship, Patton says that just shows that after Josiah’s reformation, illegitimate cultic practices returned quickly. The argument that

centralization of worship was impractical in the time of Josiah, Patton counters by saying it was also impractical in the post-exilic period. So, now he just says that doesn't help. Patton says, "even granting the impractical idealism of Deuteronomy, one cannot help asking whether this idealism was any more impractical in post-exilic times than in pre-exilic times."

d. Berry: Deuteronomy Post-Exilic – Holiness Code Influences the Later Book of Deuteronomy

G.R. Berry, that's the "c" on your sheet, says, "Holscher made no attempt to discover the law book of Josiah elsewhere in the Old Testament." He didn't try to identify it. So he's saying it wasn't Deuteronomy because Deuteronomy's later, but he didn't attempt to identify what that book of the law was. Now, what Berry did, he made some suggestions in respect to that. He also felt Deuteronomy was postexilic, but then he developed a thesis that the law book of Josiah is to be identified with that Holiness Code, H, which is pretty much composed of Leviticus 17-26. His article is on your bibliography page two, G.R. Berry, "Date of Deuteronomy," *JBL*, 1940. His proposal then is that H precedes Deuteronomy rather than follows it. He said the connections between Deuteronomy and that Holiness Code are to be ascribed to the influence of H on D, rather than vice-versa, the influence of D on H. He just turned them around. So he came to a conclusion for a late date for Deuteronomy and suggests that perhaps the law book of Ezra was Deuteronomy. When Ezra read the book of the law in post-exilic times that maybe was Deuteronomy.

e. Berry Opposed by Fried

Now the view of Berry; we won't get into these details, but the view of Berry was opposed by a man named A. Fried, "The Code Spoken of in II Kings 22 and 23," in *Journal Biblical Literature*, volume 40, 1921. I won't go further into

detail of that, but those are three representative advocates of a post-exilic date for Deuteronomy.

So you see, you get back to where Deuteronomy is the keystone for this JEDP source theory approach. If there's a question about the date of Deuteronomy, then it affects your whole theory. Now there have been a number, and I've just given you three examples, of critical scholars who would say Deuteronomy ought to be later in post-exilic times. So the date is not so absolutely established even among critical scholars.

2. Pre-621 BC Monarchic Date of Deuteronomy: 5 Scholars

a. Ewald: Time of Manasseh

But then let's go back to advocates of a date earlier than 621 (that's 2) but during the monarchial period. I've got five names there: Ewald, Westphal, Ostriker, Welch, and Von Rad. Heinrich Ewald placed the origin in the time of Manasseh, that's not much earlier, about 697-642 B.C., or about twenty years before Josiah's finding of the book of the law. Ewald lived in the late 1800's at the same time as Wellhausen.

b. Westphal Argues for Hezekian Date [ca. 729 BC]

A. Westphal, wrote a book called *The Law and the Prophets* in 1910, and said that only Deuteronomy could have inspired a reformation like that of Hezekiah who began to reign about 729 B.C. So he felt that Deuteronomy originated during the time of Hezekiah and of Isaiah about one hundred years before Josiah. Isaiah prophesied during the time of Hezekiah. So that was an appropriate period, he thought, for the composition of a book like Deuteronomy. So with Ewald, you go back to Manasseh, and with Westphal back to Hezekiah.

c. Ostriker – 10th Century Date of Deuteronomy

T.H. Ostriker is the third man there; perhaps Ostriker, Welch, and Von Rad are probably the three most important under this heading. Ostriker argued for a date earlier than Hezekiah; he'd go back to about the tenth century. In connection with his view, he said the reformation of Josiah accomplished purification of worship but not centralization. Deuteronomy does not require centralization of worship. Now that has some significance because it really undermines this whole structure of Wellhausen if Deuteronomy doesn't require centralization of worship. Ostriker says that the reformation of Josiah sought *cultus einheit*, not *cultus reinheit*. *Cultus einheit* is cultic unity, *cultus reinheit* is cultic purity. So he says the reformation of Josiah was more of *cultus reinheit*, so it's not centralization of worship but purification of worship. He felt that Josiah's reformation had a strong political character to it. He feels that what Josiah was trying to do was to free Israel, both politically and religiously, from Assyrian dominance. He said all these things that Josiah did had nothing to do with centralization of the cult. It was more he had certain political goals in connection with freeing Israel from Assyrian domination, and what he wanted to do was achieve that political independence but not centralization of worship. He says, "Deuteronomy does not direct itself against multiplicity of sanctuaries, but against polytheism." And of course, the Assyrians were polytheists, and that's the issue.

We'll come back to that issue in more detail later because Ostriker argued that the phrase in Deuteronomy that says, in Deuteronomy 12:14, there are several places it occurs, but in 12:14, where it says, "in the place which the Lord, your God shall choose and in of your tribes," he says that's better translated, "in any place which the Lord shall choose in any of your tribes." Now, we will have to look at that, because that's a key issue as to how to translate this phrase. But that's where he says that Deuteronomy 12 does not demand centralization of worship. So there could be multiplicity of sanctuaries, but what Deuteronomy opposed was

heathen cults, polytheism, and arbitrary choosing of places for worship.

d. Welch: Deuteronomy from the Time of Samuel

Alright, Adam Welch, is “d”. Look on your sheet I think I have at the top of page four he wrote *The Code of Deuteronomy*, 1924. Welch came pretty much to the same conclusion as Ostriker concerning the question of centralization of worship. He regarded the basic emphasis of Deuteronomy to be on the character of the places of worship, not on the number. He concluded Deuteronomy originated in Northern Israel from the time of Samuel on. That’s fairly early, pre-monarchic, but that in its present form it dates from about the eight century. So with Ewald, Westphal, Ostriker, Welch, and I haven’t mentioned Von Rad yet, but with all these men you’re moving back earlier, progressively earlier than the time of Josiah. But not back all the way to pre-monarchical times and certainly not back to Mosaic times.

e. Von Rad

With Von Rad you have the influence of form-critical study coming into his viewpoint, and his viewpoint is rather complex. There are three books that are significant. I have one of them on this sheet; middle of page three, *Studies in Deuteronomy*. That’s this little book published in 1953. But he also did a commentary on Deuteronomy, which has been translated in the *Old Testament Library* series, published by Westminster Press. That is 1964, first published in English in 1966. Also important is his book *The Problem of the Hexateuch*, which is a volume of collected essays. The original article was published in 1938, but the collection of essays was published in 1966. So those three books are important as far as Von Rad’s view of Deuteronomy, it’s date, nature, and so forth.

He retains the idea that Deuteronomy is the law-book of Josiah, but he says, “Deuteronomy is the result of a long and complicated process of development.” In

other words, it's not something that was just written in the time of Josiah, it is the end product of a long process of development. Page 37 of his *Studies in Deuteronomy* he says, "Deuteronomy makes its appearance at a definite point in the history of Israel's faith. It makes its appearance as a finished, mature, beautifully proportioned, theologically clear work. Because of these characteristics, it is in all circumstances to be taken, as in one respect, the final product of a long and extremely complex development. At a relatively late date, it gathers together practically the whole of the assets of the faith of Israel, resifting them and purifying them theologically. The most varied groups of traditions are harmonized to one another in it and welded together into as perfect and complete unity as can be conceived. In this respect, as in others, it is comparable to John's Gospel in the New Testament books." That's also assuming there's long development behind the Gospel of John. That's his view as far as the character of the book.

Von Rad's Amphictyony at Shechem

Von Rad gets more specific. He says that, "Deuteronomy is the product of a restoration movement in which the old cultic tradition of the Yahweh amphictyony at Shechem is reintroduced as obligatory upon Israel." Have you ever heard of the term "amphictyony?" He calls it a restoration movement, "in which the old cultic tradition of the Yahweh amphictyony at Shechem is reintroduced as obligatory upon Israel." Now, an "amphictyony" is a confederation of political units around a central religious shrine. I think the term and concept is borrowed from Greek history. But there's long been a theory, Von Rad was one advocate of it, Martin Noth was another, that the original organization of Israel was an amphictyony and the center of it was Shechem. In Joshua 24, Joshua calls all Israel to Shechem and the covenant is renewed at that assembly. Joshua challenges them to serve the Lord and says, "As for me and my

house we will serve the Lord” and so forth. People like Martin Noth and Gerhard Von Rad feel that right at that point in Israel’s history there were a lot of diverse groups who came together and adopted Yahweh as their deity. The amphictyony is for its social structure—a lot of diverse groups gathered around the central religious shrine. So what he’s saying here is, “Deuteronomy is the process of a restoration movement in which the old cultic tradition of a Yahweh amphictyony at Shechem is reintroduced as obligatory upon Israel.”

Von Rad’s Form Critical Approach Renders Deuteronomy as an Organic Whole/Unity

What von Rad tried to do then was to apply the form critical method to the book of Deuteronomy. The breakout of all this stalemate and debate about the character of the book, and the structure of the book then was something that particularly attracted his attention. If you look in his article “The Problem of the Hexateuch,” he says on page 26, “In the light of what has been said, we must look now again at the book of Deuteronomy. We may leave aside the many difficulties currently raised by the problem of Deuteronomy and confine ourselves to a matter which has yet scarcely been touched on by scholars despite all the controversy about the nature of this book. What are we to say about the form of Deuteronomy?”

So Von Rad starts asking the question: What do we do with the form? Is there a structure of the book as a whole with its remarkable succession of speeches, laws, and so on? Even if it be thought that Deuteronomy and its present guise come straight from the theologians’ desk, this does not prevent our asking, to what genre does it belong. It simply drives the question further back. It compels us to look into the history and development of the form of the material used by the Deuteronomic theologians. One cannot accept the assumption that these men created ad-hoc, so remarkable a literary form.”

He goes on and discusses this at some length. He says, “Obviously from the point of view of form criticism, no one would accept any such picture of the origins of Deuteronomy. It is precluded by a recognition of the fact that Deuteronomy is in form an organic whole.” In form, he says, it’s an organic whole. “We may distinguish any number of different strata by literary criteria, but in the matter of form, the various constituents form an indivisible unity. The question is thus inexplicably raised of the origin and purpose of the form of Deuteronomy as we now have it.” He then gives an outline of the structure of the book. We’re going to look at the structure and form of Deuteronomy later.

I think it’s really significant that von Rad says it’s important to see the unity of the structure of the book of Deuteronomy. He sees it as the end product of a long process of development. But he sees the structure of it as rooted back in this covenant renewal festival that was held periodically in Shechem. It reflects the elements of that covenant renewal. It’s a cultic liturgy, you might say. He then proposes this renewal began way back earlier in the time of Joshua. How was that form preserved? How was it passed on? It’s rooted back in this cultic observance in Shechem. He proposes it was the Levites who preserved and elaborated on that old cultic material. So the final form needs to be attributed to the Levites who preached and taught the law much later during the monarchial period.

On page 26 of his commentary, his conclusion is: “If these considerations are well-grounded, we shall suppose one of the sanctuaries of Northern Israel, probably Shechem or Bethel, to be Deuteronomy’s place of origin, and the century before 621 must be its date. There’s no sufficient reason for going back further than a century before 621.” Now what he is saying, here’s 621 B.C., but Deuteronomy had a long process of development. It came to its final form at 721, a century before 621. But it’s originally rooted back in Yahweh’s amphictyony, which would have been several centuries before 621. I want to come back to the form of Deuteronomy because that becomes increasingly important, and now

you've got some idea of how von Rad approaches the question.

3. Pre-monarchic Date of Deuteronomy but Non-Mosaic

a. Robertson and Brinker – time of Samuel

Now “3” very quickly, “Pre-Monarchial Dating but non-Mosaic.” Two names: Edward Robertson and R. Brinker. Edward Robertson wrote *The Old Testament Problem* in 1950, and in that book he says, “The Hebrews entered Palestine as an organized community possessing a nucleus of law comprising the Decalogue and perhaps the Book of the Covenant. Between the settlement and the rise of the monarchy, this community became decentralized and split up into a number of religious communes, each with its own independent sanctuary. At these sanctuaries there developed divergent thoughts related traditions, and laws. When the people were reunited under a king, it was necessary to bring about religious unity. For this purpose, a summary of legislation comprising a codification after due investigation and review of the law codes of the sanctuaries was prepared under Samuel’s guidance and immediate supervision. This new code was the book of Deuteronomy and was designed to be the standard law code of the centralized administration. The union of tribes under a king made centralization of worship desirable and possible.”

So that’s a very interesting theory--very hypothetical--but you can see his general thesis. The land had all kinds of different law traditions develop. Under Samuel’s leadership (Samuel was the one who anointed the first two kings, Saul and David) those traditions were unified, and as a result of this codification, we find unity in the book of Deuteronomy. He ascribed it to Samuel, so it’s pre-monarchic and non-Mosaic, but it’s very hypothetical.

b. Brinker: Influence of Sanctuaries in Early Israel: Not Centralization but Purification

R. Brinker, “b,” “The Influence of Sanctuaries in Early Israel,” was written in 1946. It is a position very similar to Robertson. He argued that centralization was not stressed, rather it was purification. So you see, you’re back to that twist. It is the same thing that Holscher talked about. Does Deuteronomy really require centralization, or is its emphasis more purification? Brinker took a position similar to Robertson that Samuel was really responsible for Deuteronomy. Centralization is not stressed; the stress is warning against synchronism with idolatry and purity of worship.

4. Mosaic Date

Alright, that brings us to “4,” and I think I’ll stop; it’s ten of the hour. I want just to make a few comments about some advocates for Mosaic dates. As I mentioned earlier and through this whole history of discussion, there’s always been those representing the position that argues for the Mosaic date, and these are some representatives of that. There’s some current people who are presently involved in this debate and bring really new perspectives on the debate that help to substantiate the Mosaic position for the origin of Deuteronomy. So we want to move into that later.

Amphictyony Explained

One more comment on amphictyony. It is an association of political units around a central religious shrine or deity. So the idea, applying that to Israel from these critical perspectives, is, that most of these guys would say that Israel didn’t come as a block out of Egypt to occupy the land, but there may have been some smaller element that did that. Israel had a lot of other diverse elements, and all of these elements pulled together around the sanctuary at Shechem with the deity Yahweh and said, “The Lord will be our God,” and that’s what pulled them

together, not their ethnic background.

Okay, see you next week.

Transcribed by Hayley Pomeroy
Rough edited by Ted Hildebrandt
Final edit by Dr. Perry Phillips
Re-narrated by Dr. Perry Phillips