

Session 5: Deuteronomy

B. A Developing Tradition of Law

The first five books of the Old Testament are known as the books of the Law. In Hebrew they are called the Torah (which literally means 'teaching'). Sometimes they are referred to as the Pentateuch.

B1. Deuteronomy and other laws compared

When Deuteronomy is compared to some of the laws in the other books, we can see that there are differences. For example, Deuteronomy 12:1-14 insists on a single central sanctuary, where all worship was to take place. Compare this with the following passage from Exodus:

Exodus 20:22-26

22 The Lord said to Moses: Thus you shall say to the Israelites: 'You have seen for yourselves that I spoke with you from heaven. 23You shall not make gods of silver alongside me, nor shall you make for yourselves gods of gold. 24You need make for me only an altar of earth and sacrifice on it your burnt-offerings and your offerings of well-being, your sheep and your oxen; in every place where I cause my name to be remembered I will come to you and bless you. 25But if you make for me an altar of stone, do not build it of hewn stones; for if you use a chisel upon it you profane it. 26You shall not go up by steps to my altar, so that your nakedness may not be exposed on it.'

This passage allows worship wherever an altar of earth is built.

Again, Deuteronomy 16:1-7 commands the keeping of the Passover in Jerusalem. Compare this with another passage from Exodus:

Exodus 12:43-47

43 The Lord said to Moses and Aaron: This is the ordinance for the Passover: no foreigner shall eat of it, 44but any slave who has been purchased may eat of it after he has been circumcised; 45no bound or hired servant may eat of it. 46It shall be eaten in one house; you shall not take any of the animal outside the house, and you shall not break any of its bones. 47The whole congregation of Israel shall celebrate it.

This passage says nothing about Jerusalem, but lays down the eating of the Passover by each family in one house.

B2. Was Moses the author?

What are we to make of these differences? Traditionally, the whole of the Law was said to have been given to Moses on Mount Sinai and Moses was regarded as the author of all five books of the Torah, which are known as the 'books of Moses'. Deuteronomy takes the form of a long speech from Moses to the people of Israel on the eve of their entry to the land of Canaan. But inconsistencies such as these are one of several indications that these five books are in fact collections of material from a variety of periods. The evidence can be summarized as follows:

Anachronisms

It is not simply that Deuteronomy 34 tells the story of Moses' death. There are several incidental features indicating that at least parts of the books were written long after Moses. Genesis 36:31-39 gives a list of kings of Edom who ruled 'before there were any kings in Israel'. In Genesis 12:6 and 13:7 incidents in Abraham's life are said to take place when 'the Canaanites were still living in the land', suggesting that these passages were written not in the time of Moses but only after the Canaanites had been displaced by Israel. In Genesis 21:34 and Exodus 13:17 part of Israel is given the name Philistia, even though the Philistines did not arrive until after the time of Moses.

Inconsistencies

These are noticeable in certain stories. In the story of the Flood, was it one or seven pairs of animals Noah was to take into the ark? (Genesis 6:19-20; 7:2). Was it Midianites or Ishmaelites who bought Joseph (Genesis 37:25,28).

Legal differences

We have seen two examples above and will examine another below.

For further details, see Drane, *Introducing the Old Testament*, pages 166-170

These and other pieces of evidence suggest that Moses could not have written the whole of the five books, nor been the source of all the laws we find there. What seems much more likely is that we have a DEVELOPING CORPUS OF LAW for which the original impetus and perhaps many of the detailed provisions go back to Moses, but which was continually developing to cope with new situations.

We might think of the way in Britain justice is administered in the Queen's name and prosecutions take place in the name of the Queen. Another analogy might be that of a ghost-written book or newspaper column. Neither of these analogies is perfect. At the very least, Moses is the inspiration behind Israel's developing tradition of law and even when the laws are revised and updated, these are done in his name. Deuteronomy may be the supreme example of this: a speech put into his mouth setting forth new provisions for a new time.

B3. An example of development

Let us take one specific example of the way a particular law developed:

Exodus 21:2-6

When you buy a male Hebrew slave, he shall serve for six years, but in the seventh he shall go out a free person, without debt. If he comes in single, he shall go out single; if he comes in married, then his wife shall go out with him. If his master gives him a wife and she bears him sons or daughters, the wife and her children shall be her master's and he shall go out alone. But if the slave declares, 'I love my master, my wife, and my children; I will not go out a free person', then his master shall bring 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 serve him for life.

Deuteronomy 15:12-18

If a member of your community, whether a Hebrew man or a Hebrew woman, is sold to you and works for you for six years, in the seventh year you shall set that person free. And when you send a male slave out from you a free person, you shall not send him out empty-handed.

Provide liberally out of your flock, your threshing-floor, and your wine press, thus giving to him some of the bounty with which the Lord your God has blessed you. Remember that you were a slave in the land of Egypt, and the Lord your God redeemed you; for this reason I lay this command upon you today. But if he says to you, 'I will not go out from you', because he loves you and your household, since he is well off with you, then you shall take an awl and thrust it through his earlobe into the door, and he shall be your slave for ever.

You shall do the same with regard to your female slave.

Do not consider it a hardship when you send them out from you free persons, because for six years they have given you services worth the wages of hired labourers; and the Lord your God will bless you in all that you do.

Leviticus 25:39-46

If any who are dependent on you become so impoverished that they sell themselves to you, you shall not make them serve as slaves. They shall remain with you as hired or bound labourers. They shall serve with you until the year of the jubilee. Then they and their children with them shall be free from your authority; they shall go back to their own family and return to their ancestral property. For they are my servants, whom I brought out of the land of Egypt; they shall not be sold as slaves are sold. You shall not rule over them with harshness, but shall fear your God. As for the male and female slaves whom you may have, it is from the nations around you that you may acquire male and female slaves. You may also acquire them from among the aliens residing with you, and from their families that are with you, who have been born in your land; and they may be your property. You may keep them as a possession for your children after you, for them to inherit as property. These you may treat as slaves, but as for your fellow Israelites, no one shall rule over the other with harshness.

Here is a law laying down what is to happen in the case of someone who is too poor to pay his debts and so sells himself as a slave to a fellow-Israelite. Notice that in this instance slavery was not intended as an oppressive measure but rather as a rescue, to provide a livelihood for someone who otherwise would have none.

The oldest version of the law is the one in Exodus. This is taken from a very ancient law-code often known as the BOOK OF THE COVENANT. It comes in Exodus 20:22 to the end of chapter 23, immediately after the Ten Commandments and before chapter 24, which describes a very ancient covenant ceremony between Yahweh and Israel. It probably dates back to the time of Israel's entry into the land of Canaan. In this version a man may keep a slave for six years, but the six years' labour is said to have paid off the debt and in the seventh year he is to go free. The exception is when he decides to stay with his master either because he is a good master, or because he has married during his period of slavery and freedom would mean leaving his family behind.

The next in time is the provision in Deuteronomy, some 500 to 600 years later. This version adds to the Exodus law the stipulation that when the slave is set free his master must show generosity in setting him up as a free man. It does not specify how generous the master is to be, but reminds him of Israel's experience as slaves of the Egyptians and asks him to use his discretion to do all that he can to put his former slave in a position to make a living on his own account. Deuteronomy also explicitly extends the provision of this law to female as well as male slaves.

Some hundred years' later, during the exile or soon after the return, comes the HOLINESS CODE of Leviticus 19 to 26, so called because of the frequent refrain, 'You shall be holy, for I am holy.' Now the law of slavery has been updated again in a very particular direction. It makes a distinction between Israelites, who may not be held as slaves, and non-Israelites, who may. Israelites in need may only be asked to serve as 'bound labourers' and they are to be set free not in the seventh year but in the 'year of jubilee'. This was to occur every fifty years and was a time when all debts were cancelled and all land returned to its original ownership. In that year the bound labourer and his family would be able to return to their ancestral property, which would enable them to make a living on their own account. There was to be no jubilee for non-Israelites: they could be held as slaves in perpetuity, bought, sold and passed on as part of an inheritance.