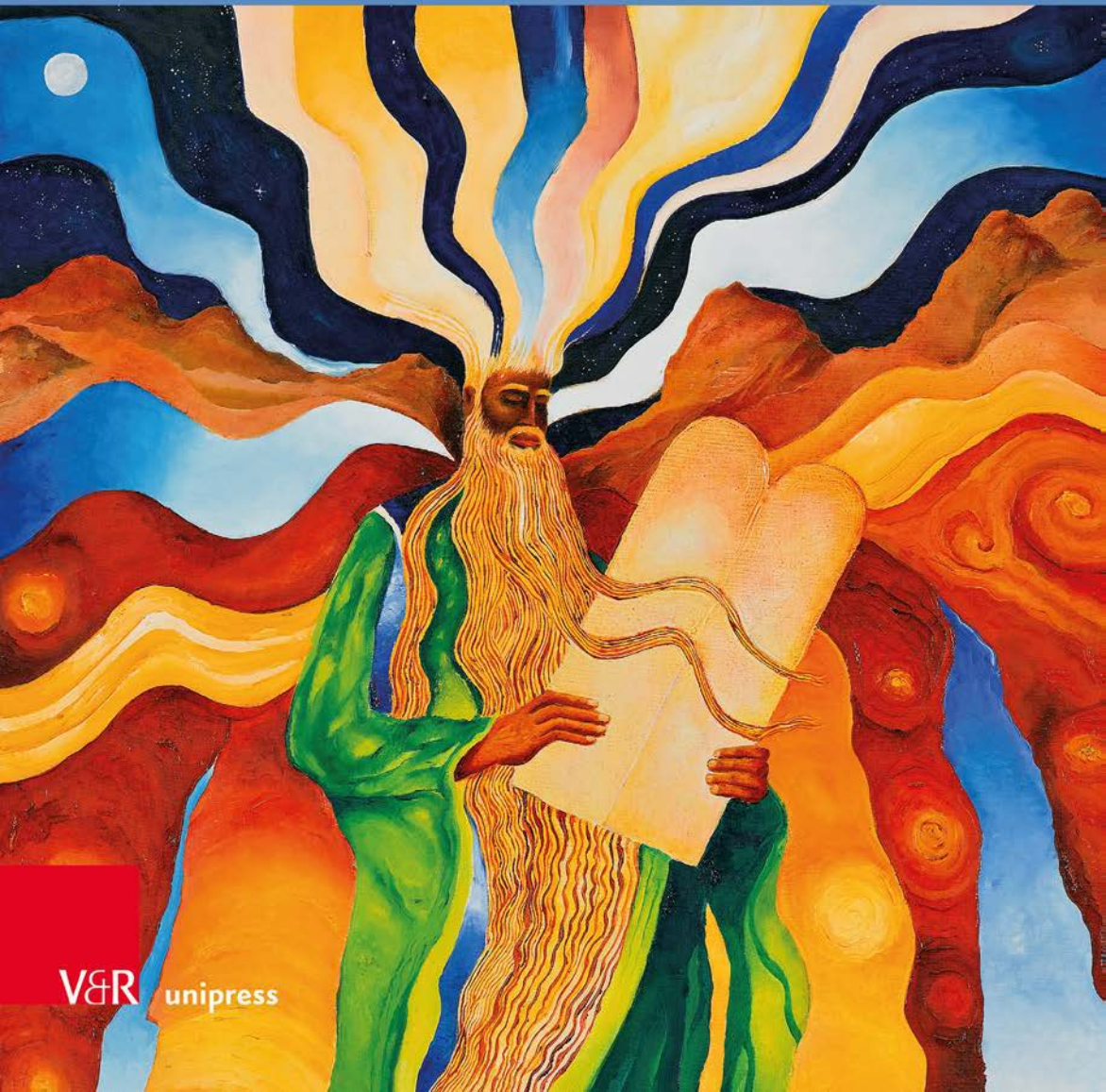
Stephen D. Campbell

Remembering the Unexperienced

Bonn University Press



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Remembering the Unexperienced

Cultural Memory, Canon Consciousness, and the Book of Deuteronomy

With a Preface by Dominik Markl

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For Mary Julia von Blucher Jordan (b. 1921)
and George Royal Jordan (b. 1920 – † 2015)
with deep gratitude

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Preface

The concept of cultural memory, as it was developed by Aleida and Jan Assmann, has played a significant role in Germany's engagement with the history of the Third Reich and the Shoah. Notwithstanding this contemporary political and ethical concern, cultural memory theory helps to understand the "making of memory" far beyond the confines of Germany. While the role of memories in shaping collective identities is a universal of human culture, Jan Assmann identified the Hebrew Bible and, in particular, the books of Exodus and Deuteronomy, as prime examples of the creation of memory. The ritual of the Passover (Exod 12) and the instructions to memorize and display teachings on written monuments, and to transmit them to the next generation (e.g., Deut 6), contributed to the formation and canonization of the Sacred Scriptures of Judaism and Christianity.

Biblical scholars have adopted and further explored Assmann's concept of cultural memory, especially in studies on the motifs of learning and memory in Deuteronomy. Stephen Campbell, however, presents the first monograph to systematically apply this notion to the textual analysis of Deuteronomy, and his selection of key texts as test cases is apt. His notion of "generational compression", in particular, addresses an important strategy of textual pragmatics in Deuteronomy that has not gone unnoticed in previous scholarship but deserves more profound and systematic exploration. The collective "you" by which Moses addresses Israel in the plains of Moab is subtly merged with the preceding generation that experienced the "day of the assembly" at Mount Horeb, and with future generations who will live in the land, go into exile, and are supposed to return from there to the promised land (Deut 30). Moses' teaching of Torah thus becomes a paradigmatic moment "for us and for our children forever" (Deut 29:28). The creation of such a transgenerational and transhistorical collective identity lies at the heart of Judaism and its culture of learning.

Campbell chose to combine his exploration of the construction of cultural memory in Deuteronomy with Brevard Childs' canonical reading. While Assmann employed a perspective from cultural studies, Childs approached the Bible as a corpus of writings received in historically grown and still evolving communities of

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faith. Although Assmann and Childs represent contrasting approaches to the Bible – an 'external' academic approach versus one that explicitly situates itself within a community of faith – their interests converge in some regards. Both take seriously the biblical text's growth and continuous 'life' within receiving communities and, without neglecting the academic quest for the texts' historical development, consider their continuing relevance to receiving communities. Campbell shows, against the background of his careful contextualization of each scholar, that the juxtaposition of Assmann and Childs is a "conversation worth having".

The hermeneutical tension represented by the approaches of Assmann and Childs is productive, especially for biblical scholars who consider themselves as belonging to communities of faith and bearing some responsibility for their community's understanding of Scripture. While Childs appeals to faith-based hermeneutical attitudes, Assmann's 'faith-detached' analysis compliments it with an external point of view. Its strength consists in integrating insights from the social and cultural sciences. Such hermeneutical multi-perspectivity is characteristic of academic approaches to sacred scriptures, since the dangers of fundamentalism are based in simplistic conceptions of truth, and historical truth in particular. Cultural memory is a useful concept to address this issue, since it presupposes a complex relationship between historical reality and its cultural reconstruction, but also takes into consideration the contents of canonical texts and their relevance to recipients.

While the first part of this book establishes its hermeneutical framework, the second turns to textual analysis, where the quality of exegesis is put to the test. Campbell highlights the importance of the generational change narrated by Moses in his opening discourse (esp. Deut 2:14), which sets the scene for Moses' teaching of a new generation that is supposed to overcome the "cultural disaster" of one that is absent. Although Moses declares the Horeb covenant valid for the generation present in Moab (Deut 5:3), he establishes a renewed covenant that includes even those "who are not here with us today" (29:14). Just as God had commanded that his teaching be passed on to subsequent generations at Horeb, Moses does so in Moab (4:10; 31:12). Campbell discusses Deuteronomy as an instance of "mnemotechnics", places "generational compression" in the context of ancient Near Eastern treaties, discusses key passages of this rhetoric, and thus systematizes a set of issues that had hitherto not been seen in their systematic correlation. It is to be hoped, therefore, that *Remembering the Unexperienced: Cultural Memory, Canon Consciousness, and the Book of Deuteronomy* will find interested readers and stimulate further research on topics that it has begun to address in earnest.

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Likewise, I owe much to Prof. Dr. Udo Rüterswörden (now retired from the Evangelisch-Theologische Fakultät at the Rheinische Friedrich-Wilhelms-Universität Bonn). I was fortunate to meet with Prof. Dr. Rüterswörden on many occasions when conducting research for this project during an ERASMUS-sponsored trip to the University of Bonn in the summer of 2017. His expertise and kindness as an advising scholar had a profound impact on me and my research at a key juncture in my journey.

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I also wish to thank the people of the International Baptist Church of Bonn where I serve as pastor. Not many pastors have the opportunity – much less the desire – to pursue academics. Fewer still have the pleasure of seeing that work in print. The encouragement you give is a testimony to your hunger for the deep things of God.

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Stephen D. Campbell
Bonn, Germany
Whit Monday 2020

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Abbreviations

AB	Anchor Bible
ABiG	Arbeiten zur Bibel und ihrer Geschichte
AGJU	Arbeiten zur Geschichte des antiken Judentums und des Urchristentums/ Ancient Judaism and Early Christianity
AJS	*AJS Review*
AJSoc	American Journal of Sociology
Akk.	Akkadian
AnBib	Analecta Biblica
ANE	ancient Near East
ANET	*Ancient Near Eastern Texts Relating to the Old Testament.* Edited by James B. Pritchard. 3rd ed. Princeton: Princeton, 1969.
AOTC	Abingdon Old Testament Commentaries
ApOTC	Apollos Old Testament Commentary
AT	Author's Translation
ATANT	Abhandlungen zur Theologie des Alten und Neuen Testament
ATD	Das Alte Testament Deutsch
BBB	Bonner biblische Beiträge
BBET	Beiträge zur biblischen Exegese und Theologie
BDB	Brown, Francis, S.R. Driver, and Charles A. Briggs. *A Hebrew and English Lexicon of the Old Testament*
BETL	Bibliotheca Ephemeridum Theologicarum Lovaniensium
BerOl	Berit Olam: Studies in Hebrew Narrative and Poetry
BHHB	Baylor Handbook on the Hebrew Bible
BHQ	*Biblia Hebraica Quinta.* Edited by Adrian Schenker et al. Stuttgart: Deutsche Bibelgesellschaft, 2004–
Bib	*Biblica*
BIS	Biblical Interpretation Series
BJS	Brown Judaic Studies
BKAT	Biblischer Kommentar Altes Testament
BRPBI	Brill Research Perspectives in Biblical Interpretation
BTB	*Biblical Theology Bulletin*
BThSt	Biblisch-Theologische Studien

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BZAR	Beihefte zur Zeitschrift für altorientalische und biblische Rechtgeschichte
BZAW	Beihefte zur Zeitschrift für altorientalische Wissenschaft
CAD	*The Assyrian Dictionary of the Oriental Institute of the University of Chicago.* Chicago: Chicago, 1956–2010
CBQ	*Catholic Biblical Quarterly*
CBQMS	Catholic Biblical Quarterly Monograph Series
CC	Continental Commentaries
CD	*Church Dogmatics.* Karl Barth. Translated by T.F. Torrance et al. 4 vols. Edinburgh: T&T Clark, 1956–1975
CIT	Current Issues in Theology
COS	*The Context of Scripture.* Edited by William W. Hallo. 4 vols. Leiden: E.J. Brill, 1997–2016
CTM	*Concordia Theological Monthly*
DBI	*Dictionary of Biblical Interpretation.* Edited by R.J. Coggins and J.L. Houlden. London: SCM, 1990
DCH	*Dictionary of Classical Hebrew.* Edited by David J.A. Clines. 9 vols. Sheffield: Sheffield Phoenix, 1993–2014.
DDD	*Dictionary of Deities and Demons in the Bible.* 2d rev. ed. Edited by Karel van der Toorn, Bob Becking, and Peter van der Horst. Leiden: E.J. Brill, 1999
DJD	Discoveries in the Judean Desert
dt.	deuteronomic (referring to the qualities of the Book of Deuteronomy)
dtr.	deuteronomistic (referring to the editor(s)/redactor(s) of the so-called Deuteronomistic History)
Dtr^G	Deuteronomistic History
EncJud	*Encyclopaedia Judaica.* 2d. ed. 22 vols. Detroit and Jerusalem. 2007
EncJudaism	*The Encyclopaedia of Judaism.* 5 vols. Leiden: E.J. Brill, 2000–2004
ES	Esarhaddon's Succession Treaties/*Vassel-Treaties of Esarhaddon*
ESV	English Standard Version
EvT	*Evangelische Theologie*
FAT	Forschungen zum Alten Testament
FB	Forschung zur Bibel
FOTL	Forms of the Old Testament Literature
GTA	Göttinger theologische Arbeiten
HALOT	*The Hebrew and Aramaic Lexicon of the Old Testament.* Ludwig Köhler, Walter Baumgartner, and Johann J. Stamm. Translated and edited by M. E.J. Richardson. 4 vols. Leiden: E.J. Brill, 1994–1999.
HAT	Handbuch zum Alten Testament
HBAI	*Hebrew Bible and Ancient Israel*
HBM	Hebrew Bible Monographs
HBT	*Horizons in Biblical Theology*
HCOT	Historical Commentary on the Old Testament
HerKor	*Herder Korrespondenz*
Heb.	Hebrew
HThKAT	Herders Theologischer Kommentar zum Alten Testament
HTR	*Harvard Theological Review*

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IBHS	*Introduction to Biblical Hebrew Syntax.* Bruce K. Waltke and M. O'Connor. Winona Lake: Eisenbrauns, 1990
ICC	International Critical Commentary
Int	*Interpretation*
ITC	International Theological Commentary
JAOS	*Journal of the American Oriental Society*
JBL	*Journal of Biblical Literature*
JBQ	*Jewish Bible Quarterly*
JBTh	*Jahrbuch für Biblische Theologie*
JCS	*Journal of Classical Sociology*
JR	*Journal of Religion*
JSOT	*Journal for the Study of the Old Testament*
JSOTSup	Journal for the Study of the Old Testament Supplement Series
JTI	*Journal of Theological Interpretation*
JTISup	Journal of Theological Interpretation Supplements
KWS	Klassiker der Wissenssoziologie
LHBOTS	Library of Hebrew Bible/Old Testament Studies
LW	*Luther's Works.* Martin Luther. Translated by Jaroslav Pelikan and Helmut T. Lehman. 55 vols. Philadelphia: Muehlenberg and Fortress, and St. Louis: Concordia, 1955–1986
LXX	Septuagint
MCM	Media and Cultural Memory/Medien und kulterelle Erinnerung
MemStud	*Memory Studies*
NASB	New American Standard Bible
NCBC	New Cambridge Bible Commentary
NCE	*New Catholic Encyclopedia.* Edited by William J. McDonald et al. 15 vols. New York: McGraw-Hill, 1967
NIDOTTE	*New International Dictionary of Old Testament Theology and Exegesis.* Edited by Willem A. VanGemeren. 5 vols. Grand Rapids: Zondervan, 1997
NIB	*New Interpreter's Bible.* Edited by Leander E. Keck. 12 vols. Nashville: Abingdon, 1994–2004.
NICOT	New International Commentary on the Old Testament
NJPS	New Jewish Publication Society translation of the Tanakh
NRSV	New Revised Standard Version
NSKAT	Neuer Stuttgarter Kommentar Altes Testament
OBO	Orbis Biblicus et Orientalis
ÖBS	Österreichische biblische Studien
ORA	Orientalische Religionen in der Antike/Oriental Religions in Antiquity
OTL	Old Testament Library
OtSt	*Oudtestamentische Studiën*
PoTod	*Poetics Today*
POuT	De Prediking van het Oude Testament
ProEccl	*Pro Ecclesia*
Proof	*Prooftexts: A Journal of Jewish Literary History*
PRSt	*Perspectives in Religious Studies*
PzB	*Protokolle zur Bibel*

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QD	Quaestiones disputatae
RIPBC	Routledge Interdisciplinary Perspectives on Biblical Criticism
R&T	*Religion and Theology*
RL	*La Rivista Liturgica*
SAA	State Archives of Assyria
SBAB	Stuttgarter Biblische Aufsatzbände
SBLDS	Society of Biblical Literature Dissertation Series
SBLSCS	Society of Biblical Literature Septuagint and Cognate Studies
SBT	Studies in Biblical Theology
SCL	Sather Classical Lectures
SJT	*Scottish Journal of Theology*
SoFo	*Social Forces*
SP	Samaritan Pentateuch
StBibLit	Studies in Biblical Literature
TB	Theologische Bücherei: Neudrucke und Berichte aus dem 20. Jahrhundert
TBN	Themes in Biblical Narrative
TDOT	*Theological Dictionary of the Old Testament.* Edited by G. Johannes Botterweck et al. Translated by John T. Willis et al. 16 vols. Grand Rapids: Eerdmans, 1974–2018
ThTo	*Theology Today*
T^J	Targum Pseudo-Jonathan
TLZ	*Theologische Literaturzeitung*
T^N	Targum Neofiti
T^O	Targum Onkelos
TOTC	Tyndale Old Testament Commentary
TynBul	*Tyndale Bulletin*
UCOP	University of Cambridge Oriental Publications
VT	*Vetus Testamentum*
VTSupp	Supplements to Vetus Testamentum
Vul	Vulgate
WBC	Word Biblical Commentary
WD	*Wort und Dienst*
WMANT	Wissenschaftliche Monographien zum Alten und Neuen Testament
WUNT	Wissenschaftliche Untersuchungen zum Neuen Testament
ZAR	*Zeitschrift für Altorientalische und Biblische Rechtsgeschichte*
ZAW	*Zeitschrift für die alttestamentliche Wissenschaft*
ZTK	*Zeitschrift für Theologie und Kirche*

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1. Introduction

The catch phrases "social matrix" and "canonical shape" suggest the relationship between social scientific criticism and canonical criticism in Old Testament studies. In particular, I want to stake out the intrinsic compatibility of their collaboration, in order properly to fulfil what each approach hopes to achieve.[1]

1.1. Justification and Scope

How does one attempt to offer a fresh way of framing the interpretation of a biblical text? To be sure, it is best in most cases to start with the accomplishments of others and to move forward where possible and appropriate: to build upon the work of others and endeavour to take the conversation further is the practice of mainstream scholarship. In the case of the present study, I will begin by engaging with German Egyptologist Jan Assmann and American biblical theologian Brevard Childs – both acknowledged giants within their respective fields – before applying relevant insights gained to the book of Deuteronomy. Assmann, professor emeritus at Heidelberg and honorary professor at Konstanz, is still living and shows no signs of slowing down in his scholarly output. His many books that make their way into English translations as well as his own English language publications testify to his great influence both in the English-speaking world and within his native European context where he is a well-known public intellectual. Brevard Childs, although deceased, is one of the figureheads of twentieth century Protestant biblical theology. His influence in arguing for a different-to-the-mainstream approach to interpreting the Bible cannot be disputed, and his corpus still exerts a profound influence on the field of biblical studies, especially in the United States. But how could bringing these two scholars together result in a fruitful discussion?

1 Norman K. Gottwald, "Social Matrix and Canonical Shape," *ThTo* 42 (1985): 307–321 (quote from p. 307).

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In order to answer this question, I will now turn to a 1985 essay, written several years before the wave of the social scientific study of memory appeared on the shores of biblical scholarship. In this essay, titled "Social Matrix and Canonical Shape," Norman Gottwald argues for the theoretical compatibility of social scientific criticism of the Bible and what he called "canonical criticism."[2] Although Childs explicitly preferred the term "canonical approach," it is Childs with whom Gottwald interacts as the representative of the approach he has in mind. Gottwald's insightful essay will serve as the initial occasion for the discussion in the pages below regarding Childs, Assmann, and Deuteronomy.

Without delving too deeply into the details of Gottwald's argument, it is helpful, nonetheless, to keep in mind his conclusion that "canonical criticism is not inconsistent with social scientific criticism, provided that each sees the element of the other that is intrinsic and necessary to its own enterprise."[3] If by "sees" Gottwald simply means "acknowledges," then there is little problem for the present study. But if Gottwald means – as I think he does – that in order to be mutually informing, a canonical approach and a social scientific approach must learn from and endeavour to incorporate the central concerns of the other, then I have no doubt that meeting this condition is one of the chief challenges to be overcome. Yet as Gottwald points out, it is the *results* of a chosen methodology – even one that attempts to bring two approaches into conversation with one another – that must be evaluated. He writes,

> Nevertheless, to carry through a methodology properly, all the way to its limits so that it gives maximal yield, means that a single-mindedness must be applied. This does not mean that the advocate of the method, much less the whole community of scholars and interested people at large, necessarily accepts that this method alone yields truthful and valid results. It only means that the results achieved by this method are significant and must be addressed. The overall significance of such a comprehensive method, and especially its precise relation to other valid methods, is hardly assessable prior to the results of detailed inquiry and certainly not by fiat of single scholars, including those most committed to the new method and those most opposed to it.[4]

Therefore, it is only in retrospect that the reader will be able to discern whether the conversation which follows has yielded a fruitful harvest.

Nevertheless, justification is still required for a discussion, which seeks to carry out a worked example of what Gottwald imagines in his essay. Specifically, why should one consider bringing Brevard Childs's canonical approach into conversation with Jan Assmann's cultural memory approach? And why should this conversation take place in reference to the paraenesis of Deut 4:1–40? The

2 Gottwald, "Social Matrix and Canonical Shape."
3 Gottwald, "Social Matrix and Canonical Shape," 321.
4 Gottwald, "Social Matrix and Canonical Shape," 312–313.

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answer to the first question is that both scholars are highly respected and influential within the academy. Through its reception, it is clear that Childs's scholarship has had an irreversible impact on the field of biblical studies, and Assmann has proven to be an important scholar within an academic context that is increasingly aware of the importance of cultural memory studies. Thus, there is value in exploring ways these two scholars, whose approaches are not normally thought to be compatible, might together effect a fresh reading of the book of Deuteronomy.

As to the second question, the text was first chosen for heuristic reasons, with the presumption that it would prove fruitful for such a discussion. In addition to the fact that neither Assmann nor Childs has offered any extensive treatments of this text, it is both theologically rich and helpfully situated within a book well-known for its theme of remembrance. Deuteronomy 4 is an important text for the further reason that it articulates a theological understanding that is, in many ways, characteristic of Deuteronomy as a whole.[5] In the end, however, the reader must judge whether or not the selection of this text helps or hinders the aims of the discussion.

Another benefit of selecting Deut 4:1–40 is that there is a growing interest in reading the Deuteronomistic History (Dtr^G) as cultural memory. Forget has recently argued that,

> The "Deuteronomistic History" is an interesting quilt of the weaving of cultural memory. This historiographical corpus gives evidence of the processes of cultural memory and demonstrates the causes and implications of the choices of such a selective remembering. The monotheistic discourse interwoven in this corpus gives witness to the political and religious workings of building and protecting a distinct people among the ANE. Biblical Israel was self-defined by its tradents; the scribes. The workings of a select few has become the utopian and official version of Israel's past. Mnemonic formulae such as "until this day" are but one example of anchoring threads used as memorial purposes, as teaching opportunities and as important prompts of connective memory.[6]

If I may be allowed to take Forget's quilt imagery further, I would say that, although the Dtr^G – not to mention Genesis through Numbers – is comprised of different pieces of material, it remains one quilt, used by families, individuals,

5 Recently, many scholars have considered the monotheistic claims of Deut 4:32–40 to be the only ones in Deuteronomy and, therefore, not characteristic of the rest of the book. See, for example, Dominik Markl, "The Babylonian Exile as the Birth Trauma of Monotheism," *Biblica* 101 (2020): 1–25. Whether or not this claim is true on historical grounds is different than the question of whether this is true from a canonical perspective. For example, from a canonical reading Deut 4:32–40 might well influence a reader to understand Deut 5:7 (the first commandment of the Decalogue) or Deut 6:4 (the Shma) as deeply monotheistic.

6 Gaétane-Diane Forget, "Navigating 'Deuteronomistic History' as Cultural Memory," *R&T* 17 (2010), 10.

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and communities as a quilt, rather than deconstructed and investigated for its compositional features. For members and participants in communities of biblical faith, this imagery of a quilt is suggestive of the Bible's "received form," inherited as authoritative and known in contemporary parlance as "Scripture."[7] This, then, is the direction in which the discussion moves: a cultural memory study of the world within the text of the biblical canon's received form for the sake of the faithful.[8] But in order for the discussion to proceed, several key terms must be defined.

1.2. Key Terms

As with any study, it is helpful to define some key terms at the outset in order to forestall, as much as possible, any unnecessary misunderstanding. I will begin by addressing the terms culture, memory, and canon before turning to a term that will become the major theme of the final chapters.[9]

1.2.1. Culture, Memory, and Canon

Over the last few decades, there has been a growing consensus that culture is intricately related to memory. In fact, in a 2008 essay on "Canon and Archive," Aleida Assmann describes culture as the memory of a society that is transmitted through symbol rather than genetics.[10] This means that culture encompasses the intellectual, artistic, and creative achievements of a community.[11] Because the

7 Good reasons for the use of the term Scripture – as well the approach to biblical studies indicative of reading the Bible as "Scripture" – have been given lucid articulation in R.W.L. Moberly, "Theological Approaches to the Old Testament," in *The Hebrew Bible: A Critical Companion* (ed. by John Barton; Princeton: Princeton, 2016): 480–506 (esp., 483–497).

8 "The world within the text" is not meant to deny that there exists more than one form of the biblical canon, but rather to point up the aim of allowing the text of Scripture to speak on its own terms. This methodological decision will be given a thicker definition in Chapters 2–4 through the discussions of Assmann and Childs.

9 For a comprehensive literature review of Deuteronomy scholarship, see Eckart Otto, *Deuteronomium* (4 vols.; HThKAT; Freiburg: Herder, 2012–2017), 27–282. Otto's review begins in 1670 and includes a vast bibliography (op. cit., 27–61).

10 Aleida Assmann, "Canon and Archive," in *Cultural Memory Studies: An International and Interdisciplinary Handbook* (MCM 8; ed. by Astrid Erll and Ansgar Nünning; Berlin: Walter de Gruyter, 2008), 97.

11 For the semantic challenges of the English "culture" and German "Kultur" see, Dietrich Harth, "The Invention of Cultural Memory" in *Cultural Memory Studies: An International and Interdisciplinary Handbook* (MCM 8; ed. by Astrid Erll and Ansgar Nünning; Berlin: Walter de Gruyter, 2008), 87.

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elements that make up culture are passed down, each generation can build upon what it inherits than start afresh. As Assmann articulates it,

> "Cultures create a contract between the living, the dead, and the not yet living. In recalling, iterating, reading, commenting, criticizing, [and] discussing what was deposited in the remote or recent past, humans participate in extended horizons of meaning-production."[12]

Culture and memory, however, are not so closely associated as to make the term cultural memory a tautology, for cultural memory also includes that which is forgotten (through active destruction or passive neglect) as well as that which is remembered (through active canonisation or through passive archiving).[13]

Within this broad sociological sense of cultural memory that includes both remembering and forgetting, "canon" relates to the formalised and standardised elements of society. These elements include literary classics, religious texts, rituals, myths, places, and even individuals. Through an active selection and canonising process as well as an ongoing re-affirmation of these elements, a level of value is ascribed to these sites of memory which is not ascribed to other aspects of the collective identity. This evaluative selection is the reason that certain artists's works are displayed prominently in the grand rooms of national art museums (culturally, they are the canonical artists and/or works of art), while other art is archived in museum storage rooms.

This cultural illustration helps one understand the sociological importance of the biblical canon; these texts were chosen and not others. In this sense the biblical canon is a significant site of cultural memory for communities of faith for whom the Bible is authoritative. Yet Childs's canonical approach both complements and complicates this sociological account of canon;[14] indeed, Childs is less than favourable regarding the ability of sociological approaches to address the subject matter of the biblical canon.[15] Instead, for Childs the biblical canon is received by and for the church in faith and responsiveness to these texts's thoroughgoing witness to God, regardless of the biblical authors's initial re-

12 Assmann, "Canon and Archive," 97.

13 Assmann, "Canon and Archive," 97–99. Assmann here leaves out the role that unconscious repression might play in forgetting.

14 This brief description of these two approaches to canon nicely illustrates that part of the difference between Assmann and Childs is that one addresses the Bible in an emic manner (i. e., from inside a particular tradition), whilst the other addresses it in an etic manner (i. e., from outside that tradition). See the discussion in Mark G. Brett, *Biblical Criticism in Crisis? The Impact of the Canonical Approach on Old Testament Studies* (Cambridge: Cambridge, 1991), 15–18.

15 Brevard S. Childs, *Biblical Theology of the Old and New Testaments: Theological Reflection on the Christian Bible* (London: SCM, 1992), 22–25.

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ception in their context of origin.[16] For Childs, the biblical canon is not only a sociological phenomenon, or a shaping force for communal identity, but is primarily a collection of authoritative writings (not the events behind them) that together witness to God, who is the Father of the Lord Jesus Christ, and who continues to speak to his church today.

However, the questions still remain: what canon, whose culture, and what does it mean to remember? Although these terms will be given fuller definition by Jan Assmann and Brevard Childs in Chapters 2–4, some preliminary comments are in order. First, I come to the present study as a Protestant, evangelical Christian. This means that the canon I have received is a Christian canon and not a Jewish one, a Protestant one and not a Catholic one; but reading the Old Testament (known alternatively as Hebrew Bible or Tanakh) with care and sensitivity as a testimony to Jesus Christ also means reading it as a distinct witness, the witness of the people of Israel to the God of Israel. A balance must be struck, therefore, in order not to flatten this witness. At the same time, however, I affirm with Moberly and others that without proper care it is possible for one's faith to adversely skew – or even manipulate – one's reading of the biblical text.[17] Without any doubt, therefore, the academic discipline of biblical studies requires engagement with the same text from different perspectives and in conversation with other academic disciplines; this is exactly what the reader will find in the pages that follow.

Secondly, knowing which culture is in view will be essential for understanding the study that follows, for a great deal depends on whether the reader has in mind the "historical" communities behind the text, the Israel depicted within the world of the text, or contemporary communities in front of the text. Although I speak from the context of American (specifically the U.S.A.) Protestantism, I am aware that this is not the only community that has inherited and reads as Scripture the text known to me as the Old Testament. Indeed, throughout this study, my use of the terms "culture" and "community" (they are related but not interchangeable terms) vary in their referents. In most cases, what I have in mind is the community of Israel depicted within the biblical text and those communities (both ancient and modern) that have received that text and its witness as authoritative. As will become clear in Chapter 7, I believe that my own Christian community has much to learn both from the witness of Scripture and from the ongoing testimony of Jewish communities.

16 For example, the prophet Jeremiah was not received in his own day, but the book of prophecy that bears his name has been accepted as an authoritative witness to the words and works of God.

17 R.W.L. Moberly, "How May We Speak of God? A Reconsideration of the Nature of Biblical Theology," *TynBul* 53 (2002), 179–183.

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Finally, the term remembering in the present study entails more than the recalling of learned knowledge.[18] My usage of and interaction with "remembering" is closer to the German lexeme *Gedächtnis*, which "stands for the capacity to store not just what is learned but also sensory impressions and 'mental processes,' which can then at an opportune moment be allowed to 'enter one's consciousness' again."[19] This understanding of what it means to remember Horeb will be essential in the study that follows.

1.2.2. Generational Compression

Another term that needs a preliminary discussion here is "generational compression." With the use of this idiom I mean a rhetorical device by which the imagined audience is addressed as though it has had the experiences of a previous generation *or* that it will have the experiences of a future generation for the illocutionary purpose of pressuring that audience to respond in faith to the works of God which it has not – or will not – directly experience(d). In the case of Deut 4:1–40, specifically, I will argue for the following: 1) the deliberate rhetorical anachronism of placing the generation born in the wilderness in the position of its parents who stood at Sinai (esp., verses 9–19), and 2) the rhetorical prochronism of placing that same generation in the place of its descendants in exile and return from exile (verses 25–31). Importantly, this fluidity of address occurs within literary units (the book of Deuteronomy, the Pentateuch, the Hexateuch, the Dtr^{G}, etc.) in which it is essential that Moses's imagined audience on the plains of Moab is not the Exodus generation but is instead a new generation. Therefore, the word "compression" is used, as it allows that generation to have its own identity within time and space while simultaneously being rhetorically pressed into the experiences of its parents at Horeb or its descendants in exile.

Although this rhetorical observation is not new, generational compression remains a helpful articulation of this rhetoric in Deuteronomy 4 for at least two reasons. First, this term helps one distinguish the rhetoric and its possible desired effect from the phenomenon of the so-called *Generationswechsel* alone.[20] Secondly, addressing the text on the level of rhetoric enables the reader to explore the ongoing impact of the chosen text in its received form as opposed to the alter-

18 This is only one of the many ways of understanding "memory." The inaugural issue of the journal *Memory Studies* helps to illustrate the plurality of formulations. Henry L. Roediger, III and James V. Wertsch, "Creating a new discipline of memory studies," *MemStud* 1 (2008): 9–22.

19 Harth, "The Invention of Cultural Memory," 87.

20 Johannes Taschner, "Die Bedeutung des Generationswechsels für den Geschichtsrückblick im Dtn 1–3," *WD* 26 (2001): 61–72.

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native approach of using the *Generationswechsel* as literary- or redaction-critical data in the same way that scholars have used Deuteronomy's *Numeruswechsel*.[21]

Instead of taking the diachronic approach, the engagement with Brevard Childs and Jan Assmann will point towards creatively engaging with the world within the text.[22] This approach will focus attention on the ongoing impact of Moses's rhetoric on those in front of the text, who continue to read the Bible as Scripture rather than placing attention on the ancient audience alone. Although there is a growing interest in addressing Deut 4:1–40 on the level of rhetoric,[23] and much has been done by way of addressing this rhetoric's role in teaching future generations of ancient Israel,[24] what has remained largely unaddressed is the role that this rhetoric plays in cultural formation, including ritual performance and covenant theology.[25] Several years ago, Jon Levenson offered an excellent theological treatment of the historical prologue in ANE treaty texts that provided an

21 See, primarily, Thomas Römer, *Israels Väter: Untersuchungen zur Väterthematik im Deuteronomium und in der deuteronomistischen Tradition* (OBO 99; Freiburg: Universitätsverlag and Göttingen: Vandenhoeck & Ruprecht, 1990); and Norbert Lohfink, *Die Väter Israels im Deuteronomium: Mit einer Stellungnahme von Thomas Römer* (OBO 111; Freiburg: Universitätsverlag and Göttingen: Vandenhoek & Ruprecht, 1991). Eckart Otto has recently attempted to move this discussion in a theological direction with interests similar to Brevard Childs's. Idem, *Deuteronomium*, 557–558; and idem, "Tora für eine neue Generation in Dtn. 4: Die hermeneutische Theologie des Numeruswechsels in Deuteronomium 4,1–40," in *Deuteronomium – Tora für eine neue Generation* (BZAR 17; ed. by Georg Fischer et al.; Wiesbaden: Harrassowitz, 2011), 108–111.

22 Within the historical-critical scholarship on Deuteronomy, the two most influential voices have been Julius Wellhausen, *Prolegomena zur Geschichte Israels* (6th ed.; Berlin: de Gruyter, 1905); and Martin Noth, *Überlieferungsgeschichte des Pentateuch: Die sammelnden und bearbeitenden Geschichtswerke im alten Testament* (Darmstadt: WBG, 1957). For an explanation of why current scholarship has moved beyond these seminal works, see Eckart Otto, "The Integration of the Post-Exilic Book of Deuteronomy into the Post-Priestly Pentateuch," in *The Post-Priestly Pentateuch: New Perspectives on its Redactional Development and Theological Profiles* (FAT 101; ed. by Federico Giuntoli and Konrad Schmid; Tübingen: Mohr Siebeck, 2015), 332–335.

23 See, for example, the published dissertations of Dietrich Knapp, *Deuteronomium 4: Literarische Analyse und theologische Interpretation* (GTA 35; Göttingen: Vandenhoeck & Ruprecht, 1985); Georg Braulik, *Die Mittel Deuteronomischer Rhetorik: Erhoben aus Deuteronomium 4,1–40* (AnBib 68; Rome: Biblical Institute, 1978); and Jerry Hwang, *The Rhetoric of Remembrance: An Investigation of the "Fathers" in Deuteronomy* (SIPHRUT 8; Winona Lake: Eisenbrauns, 2012).

24 For example, Karin Finsterbusch, *Weisung für Israel: Studien zu religiösen Lehren und Lernen im Deuteronomium und in seinem Umfeld* (FAT 44; Tübingen: Mohr Siebeck, 2005); eadem, "Die kollektive Identität und die Kinder: Bemerkungen zu einem Programm im Buch Deuteronomium," in *Gottes Kinder* (JBTh 17; ed. by Martin Ebner et al.; Neukirchen-Vluyn: Neukirchener Verlag, 2002): 99–120; and Barat Ellman, *Memory and Covenant: The Role of Israel's and God's Memory in Sustaining the Deuteronomic and Priestly Covenants* (Minneapolis: Fortress, 2013), 75–104.

25 Barat Ellman has explored the relationship between memory and covenant in her literary-critical study *Memory and Covenant*.

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incisive discussion of the cultural and ritual impact of the view of history evidenced in those portions of covenant texts.[26] It is in this direction that the present discussion goes – towards understanding the actualising effect the rhetoric of generational compression in Deut 4:1–40 has on later generations.

This book, therefore, consists of two major parts. Part I is titled, "A Theoretical Framework for Interpretation" and consists of three chapters. The purpose of these chapters is both to introduce Assmann and Childs to the reader and to allow these two scholars to shape my interpretive framework for exegesis. Upon thus establishing a framework for interpretation, the focus in Part II (titled, "A Mnemo-Canonical Framework and Theological Interpretation") turns to the task of exegesis. Again, this portion of the argument consists of three chapters, and I argue that bringing the cultural memory concerns of Jan Assmann and the canonical approach of Brevard Childs to bear on the text of Deut 4:1–40 opens up fresh vistas for discussions regarding the communal, trans-generational nature of covenant.

26 Jon D. Levenson, *Sinai and Zion: An Entry into the Jewish Bible* (New York: Harper Collins, 1985), 36–42 and 80–86.

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PART I – A Theoretical Framework for Interpretation

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2. Jan Assmann and "Cultural Memory"

As the story unfolds, the past becomes present, so that old and young relive it together and are united in the experience. Jewish religion grows out of a shared memory.[27]

2.1. Introduction

The focus of the present chapter is the cultural memory approach of Jan Assmann, but I begin here with the work and influence of French sociologist Maurice Halbwachs. The reasons for this are simple: not only does Assmann acknowledge that Halbwachs has had a major influence on his own thinking,[28] but Halbwachs is widely considered to be the "founding father" of memory studies.[29] Indeed, it is largely due to Halbwachs that the field of memory studies has reached "boom status."[30] Therefore, any investigation of the implications of cultural memory on the canonically framed and theologically oriented reading of a text is benefited by beginning with this important scholar before moving on to address Assmann directly. In the study that follows, I will offer brief summaries of Halbwachs's and Assmann's respective theories regarding cultural memory. I will also discuss how Assmann has borrowed from and moves beyond Halbwachs in important and interesting ways. I will conclude with a summary of Assmann's five steps of canonisation, which will act as an important segue to my discussion of Brevard Childs in Chapter 3 below.

27 Irving Greenberg, *The Jewish Way: Living the Holidays* (New York: Touchstone, 1988), 52.

28 E. g., Jan Assmann, *Das kulturelle Gedächtnis: Schrift, Erinnerung und politische Identität in frühen Hochkulturen* (München: C.H. Beck, 1997), 35–48 and 64–66. Here Assmann's interaction with Halbwachs is much more than a mere nod to a "founding father," but instead a genuine indebtedness to him.

29 Recently Sarah Gensburger has argued that for Halbwachs, "'memory' was not a specific topic of research, but rather should be studied within and with the help of the ordinary tools and methods of general sociology." Idem, "Halbwachs' studies in collective memory: A founding text for contemporary 'memory studies'?" *JCS* 16 (2016): 396–413 (quote from 396).

30 Gensburger, "Halbwachs' studies in collective memory," 396.

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2.2. Maurice Halbwachs: Collective Memory

Maurice Halbwachs was born in Reims in 1877 into a Catholic family with roots in Alsace. However, after the 1871 annexation of Alsace by Germany following the Franco-Prussian war, his family moved. Two years after his birth, the family once again moved, this time to Paris, where his natural talents were recognized and his parents enrolled him into the prestigious Lycée Henri IV secondary school. It was here that he first met and learned from philosopher Henri Bergson, whose teaching acted as an important counter balance in Halbwachs's later thinking. Whereas Bergson's was a highly individualistic philosophy,[31] Halbwachs's later influence was from the Durkheimian school of sociology, whose great strength was its study of the collective.[32] This shift on the part of Halbwachs from philosophy to the new field of sociology, however, was conscious and calculated.[33] Coser has noted that, although Halbwachs rejects much of Bergson's philosophy,

> There are many passages in much of Halbwachs's work that show that Bergson was often present in his thought. This preserved him from some of the excesses of a number of Durkheimians who, for example, wanted to replace rather than supplement the study of individual psychology by the new Durkheimian collective psychology.[34]

After the completion of his studies, Halbwachs was appointed to the first ever chair in sociology at the University of Strasbourg where he served from 1922 until 1935 when he was called to the Sorbonne. In 1944, shortly after receiving an offer for a position at the Collège de France, Halbwachs, whose wife was Jewish, was deported by Germans and murdered on 16 March 1945 at Buchenwald.[35]

Prior to the work of Halbwachs, discussions of memory focussed almost exclusively on the memory of individuals. However, he is the first deeply to explore the possibility that memories exist exclusively within a social framework. In his three major works – *Les cadres sociaux de la mémoire* (1925), *La topographie légendaire des Évangiles en Terre sainte: Etude de mémoire collective* (1941), and *La mémoire collective* (published posthumously by his daughter in 1950, based on work primarily from the 1930's) – Halbwachs argues that all

31 Henri Bergson, *Matière et mémoire: Essai sur la relation du corps à l'esprit* (Paris: Alcan, 1896). See Maurice Halbwachs's critique of Bergson in his *The Collective Memory* (trans. by Francis Ditter, Jr. and Vida Yazdi Ditter; New York: Harper & Row, 1980), 90–98.

32 Émile Durkheim, *The Division of Labor in Society* (trans. by George Simpson; New York: Free Press, 1933); and idem, *The Elementary Forms of the Religious Life* (trans. by Joseph W. Swain; London: George Allen & Unwain, 1915.

33 Lewis A. Coser, ed. and trans., *On Collective Memory* (Chicago: Chicago, 1992), 8.

34 Coser, *On Collective Memory*, 3.

35 For a biography of Halbwachs and a summary of his thought, see Dietmar J. Wetzel, *Maurice Halbwachs* (KWS 15; Konstanz: UVK, 2009).

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memories, even those which seem most individualised, are possible only within a social framework.[36]

2.2.1. The Social Framework of Memory

The distinctive aspect of Halbwachs's theory, which is now taken for granted, is the essential role that society plays in the formation and communication of memories. This social framework to remembering is so critical, that forgetting is the result of separation from a given group.[37] Halbwachs bases his claim on the simple fact that humans are social beings. Thus, "it is in society that people normally acquire their memories. It is also in society that they recall, recognize, and localize their memories."[38] In fact, not only does one's social framework (*cadres sociaux*) affect the way (s)he forms memories, but also the way (s)he recalls them, and even how (s)he forms thought and communicates. He writes,

> If we enumerate the number of recollections during one day that we have evoked upon the occasion of our direct and indirect relations with other people, we will see that, most frequently, we appeal to our memory only in order to answer questions which others have asked us, or that we supposed they could have asked us. We note, moreover, that in order to answer them, we place ourselves in their perspective and we consider ourselves as being part of the same group or groups as they.[39]

Not only memory, but communication and interaction with others as well, are all conditioned by social involvement with the members of one's group. "It is in this sense that there exists [*sic*] a collective memory and social frameworks for memory; it is to the degree that individual thought places itself in these frameworks and participates in this memory that it is capable of the act of recollection."[40]

For Halbwachs, the social aspect of memory is so integral that he can say, "One may say that the individual remembers by placing himself in the perspective of the group, but one may also affirm that the memory of the group realizes and

36 Maurice Halbwachs, *Les cadres sociaux de la mémoire* (Paris: Presses Universitaires de France, 1952); idem, *La topographie légendaire des Évangiles en Terre sainte: Etude de mémoire collective* (Paris: Presses Universitaires de France, 1941); and idem, *La mémoire collective* (Paris: Presses Universitaires de France, 1968). The first two of these volumes were collectively published in English as Maurice Halbwachs, *On Collective Memory* (ed., trans., and with introduction by Lewis A. Coser; Chicago: Chicago, 1992). The third was published as Halbwachs, *The Collective Memory*.

37 Halbwachs, *The Collective Memory*, 24–30.

38 Halbwachs, *On Collective Memory*, 38.

39 Ibid.

40 Ibid.

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manifests itself in individual memories."[41] The link, therefore, between the social framework and the act of memory is so strong that he claims that no genuine act of memory is possible in isolation from society. To prove this point, he turns to dreams. When one dreams, one is not acting as a member of a social framework, and therefore cannot have real memories. He writes,

> If the series of images in our dreams does not contain true memories, this is because, in order to remember, one must be capable of reasoning and comparing and of feeling in contrast with a human society that can guarantee the integrity of our memory. All these are conditions that are obviously not fulfilled when we dream.[42]

In making this statement, Halbwachs is resisting the notion that individuals are removed from society when they remember the past. In contradistinction from this view, he maintains that "The dream is based only upon itself, whereas our recollection depends on those of all our fellows, and on the great frameworks of the memory of society."[43] Thus, it is when individuals dream that they are most removed from their social framework, for they are in a state of isolation from the essential mechanism for remembering and interpreting the past.

Although Halbwachs believes that the social framework is essential for memory, he never denies the individual nature of memories. He writes,

> To be sure, everyone has a capacity for memory that is unlike that of anyone else, given the variety of temperaments and life circumstances. But individual memory is nevertheless a part or an aspect of group memory, since each impression and each fact, even if it apparently concerns a particular person exclusively, leaves a lasting memory only to the extent that one has thought it over – to the extent that it is connected with the thoughts that come to us from the social milieu.[44]

Thus for Halbwachs there is no memory, no matter how individualised, that can exist outside the social framework. Individual memory is formed using tools supplied through interaction with society, and one is unable to speak of the past without the use of communication, for "a man must often appeal to others's remembrances to evoke his own past. He goes back to reference points determined by society, hence outside himself."[45] All of this assumes a connection with at least one other individual in one's social frame. In other words, even though memories belong to individuals, they are formed, interpreted, and recalled within the framework of society. In this respect, "each memory is a viewpoint on the collective memory."[46] This is why it is nearly impossible to

41 Halbwachs, *On Collective Memory*, 40.
42 Halbwachs, *On Collective Memory*, 41.
43 Halbwachs, *On Collective Memory*, 42.
44 Halbwachs, *On Collective Memory*, 53.
45 Halbwachs, *The Collective Memory*, 51.
46 Halbwachs, *The Collective Memory*, 48.

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distinguish between individual and social memory; individual memories are highly social in nature.

It is important here to keep in mind the theories of memory that Halbwachs is resisting. He notes that

> One is rather astonished when reading psychological treatises that deal with memory to find that people are considered there as isolated beings. These make it appear that to understand our mental operations, we need to stick to individuals and first of all, to divide all the bonds which attach individuals to the society of their fellows.[47]

In this respect, Halbwachs's work is a success, for he helpfully identifies the connection between memory and the social framework, and in so doing paves the way for all later studies of cultural memory.

2.2.2. Memory and History

Another important aspect of Halbwachs's theory of collective memory is his view that the past is a reconstruction. In this sense, he distinguishes between memory and history on the one hand and memory and tradition on the other. For Halbwachs, lived memory (*mémoire vécue*) can move towards one of two forms of written record. Either the memory will move towards impartial overview and archiving (history), or else the memory will be distorted as members of the community attempt to keep the impressions of the memory alive in the present (tradition). In this section I will address the issue of history, saving the discussion of tradition for 2.2.3. below.

For Halbwachs, history and memory function as opposites.[48] History, on the one hand, views society from the outside and is concerned only with change. It also eliminates social distinctives and views one event as comparable to any other event. Memory, on the other hand, views society from within and views the past through socially conditioned eyes. Individuals, according to Halbwachs, do not remember events directly, but rather through collective activities such as reading, listening, commemorating, or participating in rituals.[49]

There are two important aspects of Halbwachs's view of history that I will address here. The first is the discontinuity between the past and the present.

47 Halbwachs, *On Collective Memory*, 38. Here he almost certainly has the works of his former teacher Henri Bergson in mind.

48 Ian Wilson has recently pointed out that "In the wake of the linguistic turn, the concept of memory, in some works, has merged with and even become a *synonym* for the [postmodern] concepts of historiography, which flips Halbwachs antonymic position on its head;" idem, *History and the Hebrew Bible: Culture, Narrative, and Memory* (BRPBI 3.2; Leiden: E.J. Brill, 2018), 22 (f.n. 24, emphasis original).

49 Halbwachs, *On Collective Memory*, 26.

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Halbwachs, in the words of Coser, views history as "a series of discreet snapshots."[50] Halbwachs writes,

> What are the principal traits that distinguish our present society from the society in which we immerse ourselves in thought? First of all, the latter does not impose itself on us and we are free to evoke it whenever we wish. We are free to choose from the past the period into which we wish to immerse ourselves. Since the kinds of people we have known at different times either were not the same or presented varying aspects of themselves, it is up to us to choose the society in the midst of which we wish to find ourselves. Whereas in our present society we occupy a definite position and are subject to the constraints that go with it, memory gives us the illusion of living in the midst of groups which do not imprison us, which impose themselves on us only so far and so long as we accept them. […] Not only can we roam freely within these groups, going from one to another, but within each of them – even when we have decided to linger with them in thought – we will not encounter this feeling of human constraint in the same degree that we so strongly experience today. *This is because the people whom we remember no longer exist or, having moved more or less away from us, represent only a dead society in our eyes – or at least a society so different from the one in which we presently live that most of its commandments are superannuated.*[51]

The past, therefore, does not exist in seamless continuity with the present. Like Heraclitus's river, individuals enter into a new social framework every time the past is reconstructed through memory. The past is comprised of snapshots, and each snapshot exists within a distinct reconstructed social framework.

The second aspect of Halbwachs's view of history that needs discussion is that history and memory are mutually exclusive reconstructions of the past. This is because there is no universal memory; history is a universal, but there are only group-specific memories. As Halbwachs writes, "The individual calls recollections to mind by relying on the frameworks of social memory. In other words, the various groups that compose society are capable at every moment of reconstructing their past."[52] "In effect, there are several collective memories," but only one history.[53] Historical knowledge is secondary to a reconstruction of the past through memory for present needs. He writes,

> If, as we believe, collective memory is essentially a reconstruction of the past, if it adapts the image of ancient facts to the beliefs and spiritual needs of the present, then a knowledge of the origin of these facts must be secondary, if not altogether useless, for the reality of the past is no longer in the past.[54]

50 Ibid. Not all have agreed with Coser's analysis of Halbwachs; see Suzanne Vromen, Review of Maurice Halbwachs *On Collective Memory*, *AJSoc* 99 (1993), 511–512.
51 Halbwachs, *On Collective Memory*, 50 (emphasis added).
52 Halbwachs, *On Collective Memory*, 182.
53 Halbwachs, *The Collective Memory*, 83.
54 Halbwachs, *La topographie*, 7. Translation from Barry Schwartz, "The Social Context of Commemoration: A Study in Collective Memory," *SoFo* 61 (1982), 376.

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For Halbwachs, then, memory and history relate sequentially to one another: history takes over where memory ceases. Only after the reconstruction of the past fades away is the discipline of history necessary.[55] This understanding of history has a major influence on his understanding of tradition.

Halbwachs, therefore, concludes that the past is not a given within the social framework, but rather a construction of it. To make this point, he turns to the topography of Palestine. For him, the commemoration of holy sites in and around Palestine is based on a counter-factual history. As the memory of Christ faded, locales were selected which were conducive to the preservation of the Jesus tradition. For example, "It is possible that in the beginning, in the years following the death of Jesus and for a time thereafter […] one was not preoccupied with preserving and settling the details of this picture."[56] This lack of interest in preserving the locale of the Christ event was due to the nearness of the events themselves. But Halbwachs continues,

> In any case, even if the Christian tradition had been established immediately by the first disciples, one might believe that the events of the last days of Jesus would not have been the center around which the rest would become organized, or that these events would become the main, almost unique, object of attention, progressively eclipsing everything else that was not rigorously related to them.[57]

However, as the events which were the subject of memory faded into the distance, significance was redirected away from Galilee, where Christ conducted most of his ministry, and towards Jerusalem. This change was due to an ever-increasing ascription of importance to Christ's crucifixion for the Christian identity. Thus, memory is for Halbwachs a social construction, but as I point out in the next section he does not stop here but views the reconstructed past as serving an essential function for the present life of the group in the form of tradition.

2.2.3. Memory and Tradition

In order to understand the future developments of memory studies – and thereby the work of Jan Assmann – it is wise to look at Halbwachs's understanding of tradition within the social framework. In this regard, it is important to view the wider function of memory for the community. As was seen in the previous section, Halbwachs makes a sharp distinction between history and memory. For Halbwachs, history deals solely with the past, but collective memory operates for

55 Halbwachs writes, "general history starts only when tradition ends and the social memory is fading or breaking up." Halbwachs, *The Collective Memory*, 78.
56 Halbwachs, *On Collective Memory*, 196.
57 Ibid.

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the needs of society in the present. Along the way, however, memories can become distorted so that over time they are closer to fiction than fact. Before moving on to a discussion of tradition, it will be helpful to understand the reconstructive nature of memory within Halbwachs's theory.

Halbwachs offers a useful example.[58] He prompts his readers to think of a favourite childhood book, and to consider the emotions and experiences of reading that book and inhabiting its world. Halbwachs then reminds his readers of the disappointment that results when, once grown, they read that book again. The reconstructed past is found to be unlike the reality. Halbwachs does not intend to argue that the first reading was wrong, but that through repeated reconstruction, the memory undergoes adaptation and change. He writes,

> We preserve memories of each epoch in our lives, and these are continually reproduced; through them, as by a continual relationship, a sense of our identity is perpetuated. But precisely because these memories are repetitions, because they are successively engaged in very different systems of notions, at different periods of our lives, they have lost the form and the appearance they once had. They are not intact vertebra of fossil animals[59] which would in themselves permit reconstruction of the entities of which they were once a part.[60]

Thus, memories are altered through the course of time. But this leads to a second important aspect of Halbwachs's understanding of collective memory. Memories are not only reconstructions of the past, they are not only altered over the course of time, they are also shaped by the present needs of the group.

This recognition of memory's ongoing role in the life of society raises important questions regarding the development and continued role of tradition. For Halbwachs there is a two-stage development of tradition. To make this point, he looks squarely at the development of the doctrine of the Christian church in two stages.[61] Halbwachs calls stage one of the development of tradition "formation." He describes this stage as a period in which "Christianity was in effect still very close to its origins; it wasn't yet easy to distinguish what was remembrance from what was consciousness of the present. Past and present were confused because the evangelical drama did not yet seem to be at its end."[62] At this stage, there was no need to write down accounts of the Christ event because of the nearness of these events. Furthermore, "the cult was immersed in the present and was in part conflated with the thought and spontaneous life of

58 Halbwachs, *On Collective Memory*, 46–47.

59 Or, as the common post Jurassic Park trope goes, "Memories are not flies in amber." Ann Rigney, "Portable Monuments: Literature, Cultural Memory, and the Case of Jeanie Deans," *PoTod* 25 (2004), 367.

60 Halbwachs, *On Collective Memory*, 47.

61 Halbwachs, *On Collective Memory*, 84–119.

62 Halbwachs, *On Collective Memory*, 94.

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contemporary groups. […] Up to this moment religious memory lives and functions within the entire group of believers."[63] Not only is there no impulse within the group leadership to recede from society into hermit life detached from society's time and space, but at this stage there is also not a fundamental distinction between the priests and the lay members. The early church continued within society, happy to attract new followers from society in a fluid manner.

However, within stage two this approach to life within the greater society began to shift as the Christ event began to fade into the past and the diversity of new tradents became obvious. Halbwachs writes,

> But soon religious society begins to realize that the groups that it progressively attracts preserve their own interests and their own memory, and that a mass of new remembrances bearing no relation to its own refuses to be located within the frameworks of its thought. It is at this point that religious society retreats and establishes its tradition, that it determines its doctrine and imposes on the laity the authority of a hierarchy of clerics who are no longer simply functionaries and administrators of the Christian community but who constitute instead a closed group separated from the world and entirely turned toward the past, which they are solely occupied with commemorating.[64]

In other words, "As the meaning of forms and formulas became partially forgotten, they had to be interpreted – and this marks the birth of dogma."[65] The imbedded memory begins to fade, and there is a need to preserve and subsequently to interpret it. As Assmann has pointed out, there exists an important parallel between the role of the historian and the role of the priest within the theory of Halbwachs: "just as the historian can only step forward when the collective memory of the participants has disappeared, so too the exegete only has a role when direct understanding of the text is no longer possible."[66] Thus, according to Halbwachs's formulation, tradition, like history, is distinct from and also a distortion of memory. However, this creates a distinction between memory and tradition that, as I will argue, is antithetical to Assmann's project, which is not only characterised by an historical interest, but also by his move to subsume tradition within a wider understanding of memory. Having thus introduced him, it is to Assmann that I now turn.

63 Halbwachs, *On Collective Memory*, 97–98.
64 Halbwachs, *On Collective Memory*, 98.
65 Halbwachs, *On Collective Memory*, 117.
66 Jan Assmann, *Cultural Memory and Early Civilization: Writing, Remembrance, and Political Imagination* (trans. by David Henry Wilson; Cambridge: Cambridge, 2011), 49.

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2.3. Jan Assmann: Cultural Memory

When it comes to the continued development of memory theory and its application to ancient Near Eastern studies, there is no stronger voice than that of Jan Assmann.[67] For decades Assmann has been building upon the theoretical foundations of Halbwachs and applying these theories in his role as an Egyptologist. Significant for my argument, moreover, is the fact that Assmann has a great deal of academic interest in the memory of Israel – especially in regard to the Exodus[68] – as well as the relationship between memory and canonisation, which are central issues in the study of Deuteronomy. In the discussion that follows, the theoretical framework of Assmann will be discussed with particular interest in possible points of intersection between him and biblical theologian Brevard Childs. Although a discussion between Assmann and Childs may not appear to be fruitful *prima facie*, I will argue for points of continuity that are more than superficial.

In many of his writings, Assmann is clear regarding his indebtedness to Halbwachs's theory of the social framework of memory. In fact, a recent description of memory has clear allusions to Halbwachs,

> [T]here are always frames that relate memory to specific horizons of time and identity on the individual, general political, and cultural levels. Where this relation is absent, we are not dealing with memory but with knowledge. Memory is knowledge with an

67 For a helpful summary of the genesis of cultural memory and Jan and Aleida Assmann's role in that genesis, see Dietrich Harth, "The Invention of Cultural Memory" in *Cultural Memory Studies: An International and Interdisciplinary Handbook* (MCM 8; ed. by Astrid Erll and Ansgar Nünning; Berlin: Walter de Gruyter, 2008): 85–96. Recent works in biblical studies that have sought to include memory studies are Loren T. Stuckenbruck et al., eds., *Memory in the Bible and Antiquity: The Fifth Durham-Tübingen Research Symposium (Durham, September 2004)* (WUNT 212; Tübingen: Mohr Siebeck, 2007); Barat Ellman, *Memory and Covenant: The Role of Israel's and God's Memory in Sustaining the Deuteronomic and Priestly Covenants* (Minneapolis: Fortress, 2013); Philip R. Davies, *Memories of Ancient Israel: An Introduction to Biblical History – Ancient and Modern* (Louisville: Westminster John Knox, 2008); Ronald Hendel, *Remembering Abraham: Culture, Memory, and History in the Hebrew Bible* (Oxford: Oxford, 2005); Jerry Hwang, *The Rhetoric of Remembrance: An Investigation of the "Fathers" in Deuteronomy* (SIPHRUT 8; Winona Lake: Eisenbrauns, 2012); Mark S. Smith, *Memoirs of God: History, Memory and the Experience of the Divine* (Minneapolis: Augsburg Fortress, 2004); and the forthcoming Dominik Markl, "The Sociology of the Babylonian Exile and Divine Retribution 'to the third and fourth generation'" in *The Dynamics of Early Judean Law: Studies in the Diversity of Ancient Social and Communal Legislation* (BZAW; ed. by Sandra Jacobs; Berlin: De Gruyter, 2020).

68 For Assmann's part, his work *Moses the Egyptian: The Memory of Egypt in Western Monotheism* (Cambridge: Harvard, 1997), which he wrote first in English whilst researching in California, was an early foray into the field of biblical studies. He has expanded many of his views through what he calls a *resonante Lektüre* of the book of Exodus in his *The Invention of Religion: Faith and Covenant in the Book of Exodus* (trans. by Robert Savage; Princeton: Princeton, 2018; trans. of *Exodus: Die Revolution der Alten Welt* (München: C.H. Beck, 2015).

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> identity-index. It is knowledge about oneself, that is, one's own diachronic identity, whether as an individual or as a member of a family, generation, community, nation, or cultural and religious tradition.[69]

Here Assmann is clear about the social dynamic of memory. Indeed, without that social dynamic, there is no memory, only knowledge. The lack of a social framework affects one's ability to form memories in the same way that brain damage through injury, disease, or age affects one's ability to make memories. This is because "our memory has a twofold basis, neural and social."[70] This recognition of the social framework of memory, which is carried on in the work of Assmann, is the reason that Halbwachs continues to be referred to as the founder of memory studies.

It is important to keep in mind that Halbwachs was a sociologist interested in the function of memory within a present society. This is not to say that Halbwachs had no interest in the diachronic function of memory within a culture over time – our brief look at his work on the development of Christian dogma proves that he was. However, even in this discussion, Halbwachs's main interest is to understand the way that memory operates in the present rather than in the past. His work is sociological, not, as such, historical. Assmann, on the other hand, is an historian with interests in the past, so he begins with Halbwachs's social framework for memory as his "starting point" and then takes the further step of adding a cultural basis for memory as well.[71] From Assmann's perspective, this cultural basis for memory is necessary, "since only then can we comprehend the vast depths of time, extending thousands of years, in which man has established himself as a being with memory."[72] The survey of Assmann will proceed in three parts. First, the theoretical framework of Assmann will be addressed, then I will turn to his five points of analysis regarding cultural memory, and finally I will consider his discussion of canon, the canonisation process in Israel, and the significance of that canon within the cultural memory of Israel.

69 Jan Assmann, "Memory and Culture" in *Memory: A History* (ed. by Dmitri Nikulin; Oxford: Oxford, 2015), 327–328.

70 Jan Assmann, *Religion and Cultural Memory: Ten Studies* (trans. by Rodney Livingstone; Stanford: Stanford, 2006), 1. For a neurological account of memory see Ann-Kathrin Stock et al., "The Neuroscience of Memory" in *Memory in Ancient Rome and Early Christianity* (ed. by Karl Galinsky; Oxford: Oxford, 2016): 369–391.

71 Assmann, *Religion and Cultural Memory*, 1.

72 Ibid.

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2.3.1. Communicative Memory

In order to make his desired application of the social dynamics of memory to the distant past, Assmann makes a "helpful distinction"[73] by bisecting Halbwachs's collective memory into what he has called "communicative memory" and "cultural memory."[74] In order to move beyond the sociological work of Halbwachs, Assmann finds it expedient to distinguish between communicative memory, which corresponds to Halbwachs's "collective" memory, and cultural memory, which will be discussed in the next section. As Assmann's use of communicative memory is so conceptually akin to Halbwachs's, there is no need to discuss it at length here.[75] It is sufficient simply to note the relationship between Halbwachs and Assmann in this regard. Assmann offers the following summary of Halbwachs with which he agrees entirely:

> A person's memory forms itself through his or her participation in communicative processes. It is a function of their involvement in a variety of social groups – ranging from family through religion to nation. Memory lives and survives through communication, and if this is broken off, or if the referential frames of the communicated reality disappear or change, then the consequence is forgetting. We only remember what we communicate and what we can locate in the frame of the collective memory.[76]

In other words, Assmann agrees with Halbwachs that there is a social aspect to remembering but recognizes that, as a social theory of memory, it is unable to account for the full breadth of the cultural reality that extends beyond the present into the past. Assmann chooses, therefore, to use the term "communicative memory" to highlight the present-ness of this form of memory, as well as its method of transmission. I now turn to Assmann's cultural memory, which will build the basis for my future interaction with him.

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73 James D.G. Dunn, "Social Memory and the Oral Jesus Tradition," in *Memory in the Bible and Antiquity: The Fifth Durham-Tübingen Research Symposium (Durham, September 2004)* (WUNT 212; ed. by Loren T. Stuckenbruck et al.; Tübingen: Mohr Siebeck, 2007): 179–194.

74 As noted by Erll, this bisection has been highly influential and can be seen as *milieu de mémoire* and *lieux de mémoire* in Pierre Nora, ed., *Le lieux de mémoire* (3 vols.; Paris: Gallimard, 1984–1992); as "vernacular" and "official" memory in John Bodnar, *Remaking America: Public Memory, Commemoration, and Patriotism in the 20th Century* (Princeton: Princeton, 1992); and as "lived" and "distant" memory in David Manier and William Hirst, "A Cognitive Taxonomy of Collective Memories," in *Cultural memory Studies: An International and Interdisciplinary Handbook* (ed. by Astrid Erll and Ansgar Nünning; Berlin: de Gruyter, 2008): 253–262. See Astrid Erll, *Memory in Culture* (Basingstoke: Palgrave Macmillan, 2011), 30.

75 Indeed, there are times when Assmann himself allows Halbwachs to have the final say on this topic. In relation to communicative memory he writes, "We need not go into further detail here, as this aspect is covered in the discussion of Maurice Halbwachs's theory of memory." Assmann, *Cultural Memory and Early Civilization*, 6.

76 Assmann, *Cultural Memory and Early Civilization*, 23.

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2.3.2. Cultural Memory

Central to Assmann's project is the question of what is being remembered by a given community, a line of inquiry he calls "mnemohistory." Ultimately, Assmann's mnemohistorical project seeks to answer several basic questions about a community's memories: who, what, where, by what means, why, how and when.[77] Cultural memory, then, becomes Assmann's key for moving beyond Halbwachs and towards a theory of memory that can account for cultural elements (e.g., tradition, formation myths, and canon) which Halbwachs excluded.[78] This move enables Assmann to address issues beyond the present and recent past on at least five levels.

The first point of analysis for Assmann is the content of cultural memory. According to Assmann, cultural memory "focuses on fixed points in the past."[79] Moreover, "This tends to be condensed into symbolic figures to which memory attaches itself – for example, tales of the patriarchs, the Exodus, wandering in the desert, conquest of the Promised Land, exile – and that are celebrated in festivals and are used to explain current situations."[80] However, these figures of memory (*Erinnerungsfiguren*) are transformed through the process of becoming cultural memory, for this form of memory is concerned not with factual but with remembered history.[81] Cultural memory "transforms factual history into remembered history, thus turning it into myth."[82] In other words,

> "History turns into myth as soon as it is remembered, narrated, and used, that is, woven into the fabric of the present. […] The study of the events should be carefully dis-

77 Jan Assmann, "Exodus and Memory: Remembering the Origin of Israel and Monotheism" (paper given at the Out of Egypt: Israel's Exodus Between Text and Memory, History and Imagination conference; University of California, San Diego, May 31–June 3, 2013), 1. I am grateful to the author for providing me with this paper. The page numbers follow his own pagination. A video of Assmann's paper presentation can be found on YouTube by searching for the paper's title.

78 Israel Finkelstein and Thomas Römer have recently called "accumulative memory" what Assmann calls "cultural memory." Idem, "Early North Israelite 'Memories' of Moab," in *The Formation of the Pentateuch: Bridging the Academic Cultures of Europe, Israel, and North America* (FAT 111; ed. by Konrad Schmid et al.; Tübingen: Mohr Siebeck, 2016), 727. And yet, Davies has noted that "cultural memory" as a term "seems the name that is being mostly adopted in biblical scholarship." Idem, *Memories of Ancient Israel*, 107.

79 Assmann, *Cultural Memory and Early Civilization*, 37.

80 Ibid.

81 Assmann, *Das kulturelle Gedächtnis*, 52–53.

82 Assmann, *Cultural Memory and Early Civilization*, 38. By 1974 J.W. Rogerson notes that the use of the term "myth" is so varied that "it would be impossible and undesirable to try to find a single definition for the term, and to force all relevant material or evidence into the mould that resulted." Idem, *Myth in Old Testament Interpretation* (BZAW 134; Berlin: Walter de Gruyter, 1974), 174.

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> tinguished from the study of their commemoration, tradition, and transformation in the collective memory of the people concerned."[83]

The term "myth," however, is not a judgment upon the historical reliability of its content, but rather bespeaks its power as a foundational story for a culture. For Assmann, "The decisive property of a myth is that it is a well known and widely shared foundational story irrespective of its historical or fictional base."[84] But myth is much more than a foundational story, for myth is enriched with an element of the sacred. Myth is given significance through festivals, liturgies, and cultic rituals. Thus a difference between communicative memory and cultural memory emerges. Communicative memory contains the mundane memories of everyday life while cultural memory contains the ritual, symbolic, and foundational memories that are communicated through sacred text, cultic ritual, and festival.

The second element of analysis, which has already been touched on above, is the forms which cultural memory takes. In the case of communicative memory, it takes on a very natural, organic form. Since it is carried from member to member through the everyday, mundane experiences and communication of life, there are rarely occasions where membership in the culture must be vetted or confirmed. Cultural memory, on the other hand, is formalised and organised. "In some cases, people must prove their competence by means of formal tests, or by mastering relevant forms of communication."[85] For example, membership in the Order of Saint Benedict requires a vetting period whereby novices are subjected to highly organised training and evaluation. This high level of organisation extends beyond mere membership in a given community: it also includes the degree to which contact with the media of cultural memory is formalised. Cultural memory is also highly formalised in its choice of media. It comes into contact with members of the society not through the everyday or mundane, but through the organised, ritualised exercise of the extraordinary and exotic.

The third point of analysis pertains to memory's specific media (or mnemotechnics). In what ways is it transmitted? Communicative memory, because of its organic nature, utilises the media of secular communication and text. Radio, print media, conversation, hearsay, and so-called "social media" are all the conduits of such ordinary communication. As might be expected, due to the highly formalised nature of cultural memory, its preferred media are likewise formal. The primary technique for transmitting cultural memory is the festival.[86] The reason for this is that through regular repetition, festivals "ensure the

83 Assmann, *Moses the Egyptian*, 14.
84 Assmann, "Exodus and Memory," 2; and idem, *Das kulturelle Gedächtnis*, 52.
85 Assmann, *Cultural Memory and Early Civilization*, 40.
86 Assmann, *Das kulturelle Gedächtnis*, 56–59.

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communication and continuance of the knowledge that gives the group its identity."[87] Furthermore, "The festival refocuses on the background of our existence that has been pushed aside by everyday life, and the gods themselves revive the order that has either been taken for granted or forgotten."[88] In other words, the humdrum of everyday living clouds the sacred vision of the culture, but festivals interrupt this routine and cause within the members of society a memory of their identity. Another central medium of cultural memory is the written canon. Due to its importance to the broader discussion, it will be addressed at length in 2.3.3. below.

The fourth point of analysis regarding memory pertains to its time structure. According to Assmann, communicative memory is unable to span beyond the overlapping of three generations (about 80–100 years). However, at the midway point (i. e., 40–50 years) there is "eine kritische Schwelle" (a critical threshold).[89] "After forty years those who have witnessed an important event as an adult will leave their future-oriented professional career, and will enter the age group in which memory grows as does the desire to fix it and pass it on."[90] In contrast to the time structure of communicative memory, cultural memory spans several millennia to an absolute past. Since the content of cultural memory is the distinct myths of that culture, there is, in theory, no limit to the temporal structure of this memory.

The final point of analysis regarding cultural memory is the carriers of the memory. This relates to the individuals entrusted to transmit the cultural memory within the culture itself. In the case of everyday communicative memory, the carriers consist of anyone who is a contemporary witness to the events which form the memory. However, every culture has implicit practices regarding such transmission. In most cultures, the role of remembering the recent past is entrust to the aged.[91] Whereas members of these cultures trust each other with autobiographical memory, the content of cultural memory is too specialised and important to be entrusted to everyone. Cultural memory is formal and transmitted through cult, canon, and festival. Societies, therefore, entrust this memory to specialised carriers. In Israel, this is first the role of the prophets, priests, and kings. However, as will become clear in the discussion of canonisation below, with the closing of the canon and the finalised enscripturating of cultural

87 Assmann, *Cultural Memory and Early Civilization*, 42.
88 Assmann, *Cultural Memory and Early Civilization*, 43.
89 Assmann, *Das kulturelle Gedächtnis*, 51.
90 Assmann, *Cultural Memory and Early Civilization*, 36. We will return to this forty year mark in 5.2.1.
91 Halbwachs, *On Collective Memory*, 47–48; Assmann, *Das kulturelle Gedächtnis*, 52–53.

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memory, the carriers of this memory are the exegetes of the canonical text.[92] The first biblical example of this specialised carrier of tradition is Ezra, who reads and interprets the entire law in the hearing of the people (Neh 8:8, 18).[93]

The following chart illustrates Assmann's distinction between communicative and cultural memory:

	Communicative Memory	*Cultural Memory*
Content:	Historical experiences in the framework of individual biographies	Mythical history of origins, events in an absolute past
Forms:	Informal, without much form, natural growth, arising from interaction, everyday	Organized, extremely formal, ceremonial communication, festival
Media:	Living, organic memories, experiences, hearsay	Fixed objectifications, traditional symbolic classification and staging through words, pictures, dance, and so forth
Time Structure:	80–100 years, with a progressive present spanning three-four generations	Absolute past of mythical primeval age
Carriers:	Nonspecific, contemporary witnesses within a memory community	Specialized tradition bearers

Table 2.1. Communicative Memory and Cultural Memory[94]

This table illustrates the differences between the categories of memory in Assmann's formulation. It also clearly illustrates why he, as an historian, is interested in the role of memory beyond the immediate context of the present society, stretching far into the past. Having developed Assmann's theory of communicative and cultural memory, I now turn to his view of canon before concluding with his five steps of canonisation.

2.3.3. Cultural Memory, Monotheism, and Canonisation

Before addressing Assmann's theory of canon formation, it is important first to discuss his highly nuanced understanding of canon, which incorporates his work as an historian and theorist of cultural memory. It is important to note that in no

92 Assmann, *Cultural Memory and Early Civilization*, 39; idem, *Religion and Cultural Memory*, 70–77; and idem, *Of God and Gods: Egypt, Israel, and the Rise of Monotheism* (Madison: Wisconsin, 2008), 98–103.

93 Although Moses might be considered the paradigmatic interpreter of the law for Israel (Deut 1:5), in the terms of Assmann, the text of Deuteronomy depicts Moses as a prophet who interprets with authority a communicative memory to the people of Israel.

94 Assmann, *Cultural Memory and Early Civilization*, *41*.

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way does Assmann or his historical analysis of the canonisation process rule out theological questions regarding the canon. In fact, as Assmann demonstrates, it is impossible to bracket theological questions when dealing with religious canons. Assmann recognises that strong theological forces were at work behind the canonisation process. Many of these theological aspects of canon will be discussed below (2.3.4.) as they pertain to Assmann's five steps of canonisation, but at least three further elements should be mentioned at the outset of the discussion here to help frame Assmann's conception of canon.

First, much of Assmann's scholarship has focussed on the rise of secondary religions – "religions based on the distinction between true and false that reject every older and foreign tradition as falsehood or ignorance."[95] Jewish monotheism is one of these secondary religions and was born from a "spirit of Scripture."[96] By this statement Assmann means that the move towards exclusive monotheism[97] coincides with the production of a canon.[98] This is because "the transition from cult religions to book religions is accompanied by a structural transformation of the sacred."[99] For primary religions, the sacred is found in nature either through creation or the sacrifice of animals.[100] In secondary religions, by contrast, the sacred is found in a written text.[101] In these religions, it is no longer the one who performs the cult practices that has the authority, but the one who has knowledge of the text and can interpret it. Through historical means, therefore, Assmann has pointed up the vital theological significance – even sacredness – of the biblical canon for religious tradents.

A second element of Assmann's conception of canon pertains to cultural memory. I have already noted Assmann's conceptual link between canon and monotheism, but it is also important to see his conceptual link between canon

95 Assmann, *Of God and Gods*, 91.

96 Jan Assmann, *The Price of Monotheism* (trans. by Robert Savage; Stanford: Stanford, 2010), 108.

97 This is Assmann's term. Idem, *Of God and Gods*, 106.

98 Assmann also notes that every monotheistic religion contains a closed canon. Idem, *Of God and Gods*, 92; and idem, *The Price of Monotheism*, 104.

99 Assmann, *The Price of Monotheism*, 105.

100 Assmann describes primary religions as polytheistic, cultic religions, which "evolve historically over hundreds and thousands of years within a single culture, society, and generally also language, with all of which they are inextricably entwined." Assmann, *The Price of Monotheism*, 1.

101 Assmann describes secondary religions as monotheistic, book-based religions, which "owe their existence to an act of revelation and foundation, build on primary religions, and typically differentiate themselves from the latter by denouncing them as paganism, idolatry and superstition;" ibid. Assmann credits this distinction between primary and secondary religions to Theo Sundermeier, "Religion, Religions," in *Dictionary of Mission: Theology, History, Perspectives* (ed. by K. Müller et al.; Maryknoll: Orbis, 1997): 387–397; idem, *Was ist Religion? Religionswissenschaft im theologischen Kontext* (Gütersloh: Kaiser Gutersloher, 1999).

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and memory. For Assmann this link is of the first order: the canon is a normative codification of cultural memory. Many primary religions have sacred texts, but there is an important distinction between sacred and canonical texts. Canonical texts experience closure.[102] For Assmann, "the decisive change from ritual to textual continuity did not come about through writing but through damming the stream of tradition so that it stopped flowing."[103] A canonical text "embodies the normative and formative values of a community" (i. e., tradition).[104] In the case of the biblical canon, however, these traditions have achieved the status of revelation, for revealed knowledge "is knowledge that people are not encouraged to expand through their own experience."[105] In secondary religions it is vital to be able to remember this revealed knowledge. According to Assmann,

> The appeal to memory is so decisive that right from the start a religion based on revealed truth has had to have recourse to techniques of recording – that is, to writing – in order to fight the ever-present danger of forgetting. Moreover, it has had to invest writing with the highest authority and to develop a new form of tradition, namely, canonization. It requires not only writing but a very innovative and special form of written tradition – canonized Scripture – to represent the revealed truth that has no natural basis in human experience. Monotheism, therefore, is primarily a matter of memory.[106]

According to this understanding, memory is central both to the content and to the development of the canonised text. As communicative memory gives way to cultural memory, tradition takes on a new form. It will then require exegetes rather than cult priests.

A third element central to Assmann's construal of canon begins with the understanding that "canonization is not the natural consequence of such text creation. On the contrary, the natural path of textual transmission is deterioration, not an increase but rather a decrease in normative meaning."[107] But in canonisation, tradition is not simply given a textual form. Rather, once a text achieves the status of canon, it assumes a level of authority that is nowhere paralleled in that culture. Consequently,

> In search of normative meaning, philologists always look for the archetype, the original text, the earliest attestation. Canonization turns this natural and logical course of textual history on its head. Normative meaning is to be sought not in the earliest but in the final stage of textual history. The logic of archaeology must be replaced by the logic

102 Assmann's favourite biblical example is Deut 4:2, which will be discussed in Chapter 5.
103 Assmann, *Cultural Memory and Early Civilization*, 78. Tradition in this context is "knowledge that is largely implicit and transmitted not only verbally but also through nonverbal imitation." Assmann, *Of God and Gods*, 93.
104 Assmann, *Cultural Memory and Early Civilization*, 79.
105 Assmann, *Of God and Gods*, 91.
106 Assmann, *Of God and Gods*, 92.
107 Assmann, *Of God and Gods*, 93.

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> of emergence in order to do justice to the semantics of canonization. Process, tendency, and finality matter, not origin, archetype, and source criticism.[108]

For this reason, Assmann is concerned "not in the original authors and their intentions, but the editors and especially the last editors who bring the whole corpus together into a canon."[109]

These three elements show the complexity of canon as a concept. For Assmann, the canon represents more than a closed collection of texts. Canon represents the codification of cultural memory and arose hand-in-hand with monotheism. Moreover, these elements are highly significant for the interpretive task, for they indicate that the normative meaning of the canonical text is in the canonical form, not some hypothetical pre-canonical form. Thus, even though there were highly significant theological impulses driving the canonisation of the text, these pre-canonical steps simply bring the final form of the text into "sharper focus."[110] Whatever steps of development lay behind the canon – Assmann, as I will attempt to show with Childs later, is clearly confident in his ability to identify these steps of development – these steps were merely leading to the final product which was accepted as authoritative.

Having thus discussed Assmann's understanding of the interrelationship between cultural memory, the rise of secondary religions, and canonisation, I now turn to Assmann's five steps of the canonisation of the Israelite canon. This topic will both help bring the present discussion to a close and open up the conversation to Brevard Childs.

2.3.4. The Five Steps of Canonisation

I now turn to Assmann's discussion of canon formation, a discussion which he undertakes from a purely historical vantage point. He states,

> Theologically, we can think of canonization as an inspired process, a revelation that unfolds and perfects itself over time, and that according to the rabbis, continues in the shape of the oral Torah to modify the interpretation of the text. In what follows, however, I wish to speak not as a theologian, but as a historian, and to throw light on the process of canonization from that angle.[111]

It is important to remember that Assmann is an Egyptologist, who has joined discussions that were already underway among biblical scholars. In joining this conversation, Assmann has found close affinity with the canonical criticism of

108 Ibid.
109 Assmann, *Religion and Cultural Memory*, 65.
110 This is a key phrase used by Childs, to which I will return in Chapters 3 and 4.
111 Assmann, *Religion and Cultural Memory*, 65.

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James Sanders, whom Assmann cites regularly in his discussion of canon formation.[112] For both Sanders and Assmann, canonical criticism works in reverse to textual criticism. "Textual criticism works from the latest form to the primeval form. The critique of the canon uncovers the forces that motivate the development, growth, coming together, and sanctification of the text."[113] In other words, Assmann's theory of canon formation seeks to uncover the historical forces behind the canonisation of the biblical text.[114]

For Assmann, the first of the five steps towards canonisation is the codification of laws.[115] This, he believes, began in the period of Josiah and continued into the exilic period. At least two factors are required for such a process to happen. First, it requires internal cultural polarisation wherein individuals must decide whose leadership to follow. In the case of Josiah's reign, Assmann adopts Morton Smith's theory of a "Yahweh-alone movement."[116] As the theory goes, this was a movement that emerged as early as the mid-ninth century and continued to engage in a fierce struggle with the cult of Baal. The second factor in this step of canonisation is the absence of kings. Assmann believes that the impulse for developing a canon is pragmatically driven by the ability of a text to replace kings as the locus of authority. Not only did kings have the role of making laws, but time

112 See especially, James A. Sanders, *Torah and Canon* (Philadelphia: Augsburg Fortress, 1959); idem, *Canon and Community: A Guide to Canonical Criticism* (Philadelphia: Fortress, 1984); and idem, *From Sacred Story to Sacred Text: Canon as Paradigm* (Philadelphia: Fortress, 1987).

113 Assmann, *Religion and Cultural Memory*, 65.

114 Although Assmann's approach is as an historian, in 4.3.2. I will attempt to show that Assmann's observations have profound theological implications both for the canonisation process as well as for the recipients of the canon.

115 Assmann and his translator use various terms for what is here described as "steps." In his *Religion und kulturelles Gedächtnis* (München: C.H. Beck, 2000), Assmann speaks of the "Fünf Stufen auf dem Wege zum Kanon" as well as the "Fünf Impulse der Kanonisierung," op. cit., 81 and 83 respectively. Rodney Livingstone in his translation of Assmann, *Religion and Cultural Memory*, translates these phrases as the "Five stages on the road to canon" and "Five stimuli of canonization," op. cit., 63 and 65 respectively. Alternatively, Assmann in his self-authored English book, *Of God and Gods*, refers to the "Five steps toward canonization," op. cit., 90. Interestingly, all of these essays, both German and English are based upon Assmann's essay, "Fünf Wege zum Kanon: Tradition und Schriftkultur im alten Israel und frühen Judentum" in *Wissensbilder: Strategien der Überlieferung* (ed. by Ulrich Raulff and Gary Smith; Berlin: Akademie, 1999): 13–31. Thus, Assmann's own German usage includes "Wege," "Stufen," and "Impulse," whilst his own English usage adds "steps." Livingstone's translation includes "stages" and "stimuli." All of these terms capture elements of Assmann's views regarding canonisation, but this text will use "steps" for two reasons, even though this term does not fully capture the nuance of Assmann's argument – and even gives the impression that these stages are causally related when they are not. First, this choice of usage reflects Assmann's own English word choice. Secondly, this usage reflects the latest iteration of his original essay, "Fünf Wege zum Kanon."

116 Morton Smith, *Palestinian Parties and Politics that Shaped the Old Testament* (New York: Columbia, 1971).

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itself was measured in relation to their rule. In the absence of kings, the canon takes over the role as law and history maker. The invention of a normative past acts as the enabling force to replace the kings as the law givers and law interpreters. This is essential, since law books – such as those in Mesopotamia – are not an exhaustive list of laws, but rather the basis on which the king regulates, making new laws as necessary.[117] Without this first step, the Jewish people would have ceased to exist. Exile "meant the rupture of the memetic chain of tradition and the destruction of its implicit and unconscious dimensions – in short, the loss of everything that was not put into normative writing and learned by heart."[118] Because this first step had taken place, Israel was able to go into exile with a written, disembodied law.

The second step of canonisation is the establishment of a written, disembodied tradition, a process that Assmann believes took place in the Babylonian captivity. This step of the canonisation process is necessary because of the inability of an exiled people to continue their traditions and to pass these traditions on while separated from their home and religious sites. Furthermore, life in a foreign land resulted in an impulse to be distinctive.

> The Babylonian exile lifted this holy people out of the cultural context with which they had been in vehement conflict for centuries, forming a community in exile in what had now really become an alien culture, away from their native kingdom from the cult of sacrifice, and thus from all forms of competition from any alternative beliefs. In this group it was therefore all the easier to carry on the Yahweh-alone movement.[119]

Thus, in the context of exile Israel's impulse is to be distinctive – to retain its cultural identity. Without a cult site, this requires a transition from performed to written tradition.

However, "the written tradition cannot simply be experienced, it has to be studied."[120] This is why sanctioned teachers of the canon become indispensable. These are the necessary conditions for the third step of canonisation, which took place under Persian rule within the context of the depoliticising of public life. This depoliticising was only possible with the decline of prophets, who had the role of interpreting the words of God to the king. Without the kings, the prophets disappeared. Assmann points up Ezra as the paradigmatic authoritative voice which replaced the prophets in the Persian period. This shift from prophetic authority to exegetical authority was enabled by the Persian inclination to rule its subjects through their own laws. With the decline of the prophet, expert commentators arose to interpret the text.

117 Assmann, *Of God and Gods*, 94.
118 Assmann, *Of God and Gods*, 97.
119 Assmann, *Cultural Memory and Early Civilization*, 185.
120 Assmann, *Religion and Cultural Memory*, 69.

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The fourth step in canonisation is the development of text communities such as those at Qumran and Nag Hammadi. Assmann believes that the introduction of authoritative interpreters other than the prophets inevitably led to these textual communities. "The characteristics of a textual community are, on the one hand, the use of a basic text to define identity, and, on the other hand, the structure of authority and leadership that arises from the ability to handle texts."[121] These interpretive communities develop an identity that is not only ethnic, but also religious. This develops into the concept of national Israel and true Israel, where true Israel consists of those individuals who not only can claim an ethnic identity, but who also study and embody the texts.[122]

The final step of canonisation is that of anathematising all who disagree with the new orthodoxy. This step, most importantly, includes the canonisation of the ban on idolatry. In that regard, this final step represents the final success of the Yahweh-alone movement and the final step from primary to secondary religion. In other words, the polytheism that was once ordinary, and which became undesirable in exile, ultimately becomes condemned. The revolution from primary to secondary religion is now complete; thus, this step of canonisation took place in conjunction with the birth of Judaism.[123] Just as Israel had sought to be distinctive in the context of foreign exile, these textual communities attempted to stand out from a nation that they perceived to be idolatrously relating to the world.

Two aspects of Assmann's five-step formulation stand out. First, his account of canonisation understands the process to be dependent on external forces rather than on the internal concerns of the tradents. In Assmann's words, some of these steps are "closely connected to the traumatic experience of a violent disruption of continuity, causing a crisis of cultural memory."[124] In other words,

121 Assmann, *Religion and Cultural Memory*, 73.

122 Assmann, *Religion and Cultural Memory*, 76–77.

123 Assmann, *Religion and Cultural Memory*, 77.

124 Assmann, *Of God and Gods*, 105. A notable parallel is the New Testament. Adolf von Harnack famously argued that Marcion's biblical canon served as an impetus for the canonisation of the Christian Bible through direct competition. He wrote, for example, "Das katholische NT hat die Marcionitische Bibel geschlagen; aber dieses NT ist eine antimarcionitische Schöpfung auf Marcionitischer Grundlage," in his *Marcion: Das Evangelium vom fremden Gott: Eine Monographie zur Geschichte der Grundlegung der katholischen Kirche* (Leipzig: J.C. Hinrichs, 1921), 357. However, von Harnack's formulation has been subject to modification by many. As a recent example, see Tomas Bokedal, *The Formation and Significance of the Christian Biblical Canon: A Study in Text, Ritual and Interpretation* (London: Bloomsbury, 2014), 176–192. Bokedal doubts whether Marcion's and the church's canons were in direct competition as von Harnack states, but recognises "the need to structure the church's own canon by deliberately using quite other methods than those of Marcion was borne" through the appearance of Marcion's movement and the canon it produced. Op. cit., 192. Thus, even in more restricted formulations, there is preserved a

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canonisation is a reactive process whereby Israel gradually, in response to external stimuli, transitioned from a tradition driven community to a text driven community.[125]

Secondly, although they are all necessary, none of the five steps of canonisation are sufficient conditions of canonisation, nor are they causally linked to one another.[126] In fact, the canonisation process could have ceased at any point. This is because canonisation is not the necessary conclusion of tradition. Instead, "The natural path of tradition leads towards habituation, towards becoming implicit and even unconscious. In order to become explicit, a tradition has to confront a crisis or even a break. Impulses to make tradition explicit, to record or codify it in textual form, must come from without."[127]

2.4. Evaluating Assmann

Before concluding and moving on with the argument, it may be helpful to stop for a moment and offer some evaluation. Although this will necessarily be brief, I will nonetheless address two important aspects of Assmann's approach that have not gone without criticism among his peers in biblical studies.

First, it is important to note that Assmann's approach to historiography is not the only approach to understanding the nature of "history writing" or indeed of ancient, "historical" writings. In particular, the distinction between what communities remember and what "actually happened" has proven to be a very important point of discussion in recent decades. To illustrate the issues at stake, consider the distinction that Cubitt has recently made between two alternative ways of understanding the structure of the relationship between the past and the present.[128] In one formulation the relationship is understood as cumulative and causal – everything in the past has in some way contributed to the present moment. Alternatively, the second way of understanding this relationship is that the present produces the past through "an effort of the creative or analytical imagination."[129] One of the challenges in the present moment of scholarship is the attempt to bridge this gap. In doing so, however, it is also important to note that while modern historians in principle carry the burden of writing falsifiable accounts of the past based on facts, cultural memory carries no such burden (at

parallel between external forces and canonisation as Assmann presents with regard to the Jewish canon.

125 Assmann, *Of God and Gods*, 93.

126 Assmann, *Of God and Gods*, 97.

127 Assmann, *Of God and Gods*, 93.

128 Geoffrey Cubitt, *History and Memory* (Manchester: Manchester, 2007), 27.

129 Ibid.

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least not in the same way as modern historiography).[130] A further challenge is that scholars have become increasingly aware that any form of history writing (ancient or modern) is prone to a level of subjectivity. What Janzen has recently written in relation to the Chronicler is no doubt equally relevant for modern historians. He notes, "If there is a story or moral for readers of a history writing [*sic*], it is one that, explicitly or not, promotes the writer's worldview […]."[131] He continues,

> History writing cannot avoid being hostage to perspective – no interpretive activity could be – but if we want to be a bit more generous in our description of what historians do, we could say that, instead of fulfilling wishes, historians write with purposes in mind – perhaps to explain the present or future in the best ways they know, or perhaps to correct what they see as mistaken interpretations of the past, or perhaps to lead readers to expect a certain range of future outcomes of current macroeconomic policies, or perhaps for some other reason – purposes that are, nonetheless, guided by rules determined by their worldview."[132]

To be sure, although verifiable, empirical evidence of the ancient past remains an important aspect of modern biblical scholarship, its importance has diminished somewhat within the humanities after the so-called "linguistic turn." According to a number of historians and linguists representing Cubitt's second formulation above – especially Paul Veyne and Hayden White[133] – the concept of history as a mediating concept between past and present is problematic, since it is language that functions as a meaning maker and constructor of reality, not *vice versa*.[134] In contrast to the historical positivism that can be seen in Halbwachs (in 2.2.2. I noted the strong division he maintains between memory and history), it has become increasingly common for the concepts of memory and history to merge and thus become near synonyms.[135] In other words, "the boundary between

130 Niels Peter Lemche, "Solomon as Cultural Memory" in *Remembering Biblical Figures in the Late Persian and Early Hellenistic Periods* (ed. by Diana V. Edelman and Ehud Ben Zvi; Oxford: Oxford, 2013), 164.

131 David Janzen, *Chronicles and the Politics of Davidic Restoration: A Quiet Revolution* (LHBOTS 655; London: Bloomsbury T&T Clark, 2017), 1.

132 Janzen, *Chronicles and the Politics of Davidic Restoration*, 2.

133 See Paul Veyne, *Writing History: Essay on Epistemology* (Middletown: Wesleyan, 1984) and Hayden White, *The Content of the Form: Narrative Discourse and Historical Representation* (Baltimore: Johns Hopkins, 1987).

134 Wilson, *History and the Hebrew Bible*, 5.

135 Thus in response, Kerwin Lee Klein has criticised the turn to memory studies as evidence of an "increasing discontent[ment] with historical discourse and a desire to draw upon some of the oldest patterns of linguistic practice." Idem, *From History to Theory* (Berkley: California, 2011), 112–137 (quote from 137).

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objective history (the things that happened) and the subjective practice of historical inquiry has become problematized."[136]

On the other hand, Wilson has noted a growing effort "to reflect on and refine the theoretical and methodological import of social memory as a concept in the study of history."[137] According to his evaluation of things, "Memory and history can be productive conversation partners, if brought together with due attention to their interrelationship. It is important not to collapse the concepts of history and memory into one and the same, but neither should one see them as completely distinct and separate."[138] Assmann, it seems, would agree with such a conclusion. For him, "mnemohistory cannot do without history. It is only through continual historical reflection that the workings of memory become visible."[139] Of course, this assumes that although cultural memory and history writing may to varying degrees be influenced by the subjective interests of the culture or individual historian, they are in fact subjective understandings of an objective reality. Whereas the cultural memory of Israel is not the same as Israel's past, it is Israel's cultural memory codified in the biblical text that has proven culturally relevant.

Secondly, Assmann's distinction between primary and secondary religions – related to what Assmann calls *die mosaische Unterscheidung* (the mosaic distinction) – has proven problematic for some biblical scholars. Unfortunately for Assmann's Anglophone readers, the protracted discussion on this subject has occurred almost exclusively in German.[140] Originally presented in his *Moses the Egyptian* (first published in English), Assmann's theory of a "mosaic distinction" between "true" and "false" gods (a concept that Assmann notes is foreign in Egypt) quickly resulted in several strong reviews that were later published as an appendix to his *Die Mosaische Unterscheidung* but were unfortunately left out of Robert Savage's English translation of that work. The difficulty for many of Assmann's critics has been in his attempt to tackle the thorny "relationships between the xenophobic hatred *of* Jews and hatred *by* Jews."[141] For Assmann, the

136 Ronald Hendel, "Culture, Memory, and History: Reflections on Method in Biblical Studies" in *Historical Biblical Archaeology and the Future: The New Pragmatism* (ed. by Thomas E. Levy; London: Equinox, 2010), 257.

137 Wilson, *History and the Hebrew Bible*, 23 (f.n. 24). In addition to Ian Wilson, this work of reflection and refinement is being done by prominent biblical scholars such as Ehud Ben Zvi, Ronald Hendel, and Diana Edelman as well as a new generation of scholars such as Aubrey Buster, Eric Jarrard, and Megan Roberts.

138 Ibid.

139 Assmann, *Moses the Egyptian*, 21.

140 Eliza Slavet has done a great service for Anglophone readers of Assmann with her excellent review article that outlines many of the debates that occurred in Germany regarding Assmann's "mosaic distinction." Idem, "A Matter of Distinction: On Recent Work by Jan Assmann," *AJS* 34 (2010): 385–393.

141 Slavet, "A Matter of Distinction," 386 (emphasis original).

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transition from primary religions to secondary religions is one way of probing these relationships. Assmann notes that in primary religions there is an important element of translatability – the Greek sun-god Apollo corresponded to the Egyptian sun-god Re; Dionysus was another name for Bacchus; and Zeus was translatable as Jupiter. By contrast, in secondary religions (like the new world of Israelite monotheism) "religion became a barrier to communication: the names for God became not only untranslatable, but also unpronounceable and unrepresentable."[142] It is through making this shift from translatable deities to a single, untranslatable deity that secondary religions become rooted in the distinction between truth and falsehood – a more important distinction for Assmann than between polytheism and monotheism.[143] A far greater critique of Assmann, however, is that the very concept of a mosaic distinction between true and false religions that leads to religiously sanctioned violence is at best anti-monotheistic and at worst anti-Semitic.[144] Slavet writes,

> Though some critics have claimed that Assmann seems to blame monotheism for violent hatred, his argument is, in fact, far more narrow (but not necessarily unproblematic): Violence and hatred existed in the polytheistic ancient world, but, he argues, it is only with monotheism that violent hatred becomes tied to religion *per se.* Much ink has been spilled about whether this argument is implicitly anti-Semitic (or in some cases, anti-Christian), […].[145]

Yet, even if Assmann's argument is not implicitly or inherently anti-monotheistic or anti-Semitic, some scholars have nonetheless found the content of Assmann's distinction between primary and secondary religions to be both insufficient and anachronistic.[146]

142 Slavet, "A Matter of Distinction," 387. Assmann's argument about the untranslatability of Gods in the ancient world has been critiqued in Mark S. Smith, *God in Translation: Deities in Cross-Cultural Discourse in the Biblical World* (FAT 57; Tübingen: Mohr Siebeck, 2008).

143 Several reviewers have critiqued Assmann for introducing non-biblical categories to the biblical text including Rolf Rendtorff, "Ägypten und die 'Mosaische Unterscheidung'" in vol. 2 of *Mit dem Fremden leben: Perspektiven einer Theologie der Konvivenz; Theo Sundermeier zum 65. Geburstag* (ed. by Dieter Becker and Andreas Feldtkeller; Erlangen: Verlag für Misson und Ökumene, 2000): 113–122; and Klaus Koch, "Monotheismus als Sündenbock?" *TLZ* 124 (1999): 873–884.

144 See, Erich Zenger, "Was ist der Preis des Monotheismus? Die heilsame Provokation von Jan Assmann," *HerKor* no. 4 (April 2001): 191–195; and Gerhard Kaiser, "War der Exodus der Sündenfall? Fragen an Jan Assmann anläßlich seiner Monographie 'Moses der Ägypter'," *ZTK* 98 (2001): 1–24.

145 Slavet, "A Matter of Distinction," 388.

146 Wolfgang Stegemann, "Wie 'christlich' ist das Judentum? Zur Kritik an einigen seiner (protestantischen) Konstruktionen" in *Zwischen Affirmation und Machtkritik: Zur Geschichte des Protestanismus und protestantischer Mentalitäten* (ed. by Richard Faber; Zürich: Theologischer Verlag Zürich, 2005): 141–164.

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More recently, Assmann has admitted that through continued dialogue with critics, his conception of a mosaic distinction has undergone significant reworking.[147] Despite this ongoing discussion, however, Assmann's understanding of a necessary distinction between primary and secondary religions is helpful for understanding how early Jewish religion (as well as other monotheistic religions with a canonised religious text) function within the context of their surrounding cultures. An additional strength of Assmann's discussion at this point is his incorporation of the concept and cultural and religious function of canon that contributes to his complex and nuanced mnemohistorical approach.

2.5. Summary

In this chapter, I began by looking at the work of Maurice Halbwachs as it lays the foundation for understanding memory as a social phenomenon. Memory is only possible because of the tools with which society provides us – so much so that forgetting is the result of separation from that social framework. I also noted that, as helpful as Halbwachs's formulation is, it is restricted by its concerns for the present. And so, in his effort to understand the role of memory in the context of ancient Near East, Jan Assmann developed his theory of cultural memory. Cultural memory, according to Assmann, is a highly organised form of tradition which focusses on foundation myths in the absolute past. In its most organised and sacred manifestation, cultural memory takes on the form of canon. The foregoing discussion of Assmann's understanding of the canonisation process is particularly important as the discussion turns, in Chapter 3, to the canonical concerns of Brevard Childs. In Chapter 4, I will engage in a comparative study of the two scholars in an effort to tease out a theoretical framework that can then be employed on our text in Part II.

147 Admission of abandoning this formulation of the Mosaic Distinction can be found in Jan Assmann, "Exodus and Memory" in *Israel's Exodus in Transdisciplinary Perspectives: Text, Archaeology, Culture, and Geoscience* (ed. by Thomas E. Levy et al.; Cham: Springer, 2015), 4. Evidence of this change can be seen in Assmann, *The Invention of Religion*, 79–92.

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3. Brevard Childs and His "Canonical Approach"

I do not come to the Old Testament to learn about someone else's God, but about the God we confess, who has made himself known to Israel, to Abram, Isaac, and to Jacob. I do not approach some ancient concept, some mythological construct akin to Zeus or Moloch, but our God, our Father. The Old Testament bears witness that God revealed himself to Abraham, and we confess that he has also broken into our lives. I do not come to the Old Testament to be informed about some strange religious phenomenon, but in faith I strive for knowledge as I seek to understand ourselves in the light of God's self-disclosure. In the context of the church's scripture I seek to be pointed to our God who has made himself known, is making himself known, and will make himself known. I do not come to a hitherto unknown subject, but to the God whom we already know. I stand in a community of faith which confesses to know God, or rather to be known by God. We live our lives in the midst of confessing, celebrating and hoping. Thus, I cannot act as if I were living at the beginning of Israel's history, but as one who already knows the story, and who has entered into the middle of an activity of faith long in progress. I belong to a community of faith which has received a sacred tradition in the form of an authoritative canon of scripture.[148]

3.1. Introduction

There is perhaps no biblical scholar in recent years that has done more with the concept of canon to influence Old Testament scholarship than Brevard Springs Childs. Although he has written on the topic of memory,[149] he is elsewhere notably doubtful about sociology's ability to address the subject matter of the biblical canon.[150] For this reason, my aim is to explore the possibility that Childs's

148 Brevard S. Childs, *Old Testament Theology in a Canonical Context* (Philadelphia: Fortress, 1985), 28–29.

149 Brevard S. Childs, *Memory and Tradition in Israel* (SBT 37; London: SCM, 1962).

150 Brevard S. Childs, *Biblical Theology of the Old and New Testaments: Theological Reflection on the Christian Bible* (London: SCM, 1992), 22–25.

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own approach is not incompatible with a thoroughgoing sociological one.[151] For the purposes here, I begin with Childs's canonical approach to biblical interpretation, which characteristically differed from the historical-critical approach. While the latter perspective approaches the Bible is as a source of ancient history, Childs decidedly resists any approach to the Bible that views canon as a late and external category that is foreign to the text of Scripture itself. Characteristic of the view Childs resists is Gunkel, who writes,

> Zum Schluss dann die Tragödie der israelitischen Literatur: der Geist nimmt ab; die Gattungen sind verbraucht; Nachahmungen haufen sich; an Stelle der selbständigen Schöpfungen treten die Bearbeitungen; die Sprache stirbt als Volkssprache aus. Aber schon hat die Geschichte der Sammlung der Sammlungen begonnen: der Kanon entsteht.[152]

Gunkel's depiction of the canon is anything but positive. Not only is the concept of canon late, according to his view, but arises within the darkest of cultural and textual environments. All of the elements that make up the urtexts of the Old Testament are fading away or being imitated, even the essence of original texts is being altered, and in this environment the canon emerges.

From the English speaking world, Childs is often critical of W. Robertson Smith's 1881 series of lectures called *The Old Testament in the Jewish Church*, which had a profound impact on the British reception of critical scholarship.[153] According to Childs, the most important impact of Smith's work is that "[he] argued that Christians sacrificed the real strengths of the Old Testament by accepting the Jewish notion of canon. They fell under the same legalism as that of Akiba and the Pharisees. In the end, the voice of free and honest enquiry into the Bible was stifled."[154] Accordingly, this formulation of the Bible understands the biblical canon to be a later Jewish understanding imposed upon the text. As such, the biblical text must be approached historically as a source for what lies behind the text of the canon. This approach, called the historical-critical approach, can employ any number of methods of enquiry, such as redaction, source, or form criticism.

151 The research process is roughly reflected in the ordering of the chapters. I began by studying the works of Assmann and through this process became convinced that his interpretive methodology might be compatible with Childs.

152 Hermann Gunkel, "Die Grundprobleme der israelitischen Literaturgeschichte," in *Reden und Aufsätze* (Göttingen: Vandenhoeck & Ruprecht, 1913), 36.

153 W. Robertson Smith, *The Old Testament in the Jewish Church: A Course of Lectures on Biblical Criticism* (2d. ed. London: Adam and Charles Black, 1895). Another classic expression of these sentiments from the British academy can be seen three years earlier in the work of H.E. Ryle, *The Canon of the Old Testament: An Essay on the Gradual Growth and Formation of the Hebrew Canon of Scripture* (London: Macmillan, 1892).

154 Brevard S. Childs, "The Old Testament as Scripture of the Church," *CTM* 43 (1972), 709.

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It is of vital importance, here, to understand the distinction between "method" and "approach," for Childs is clear that he is advocating an approach rather than a new method. By altering the "approach," it is meant that Childs is not concerned with overturning the world of critical biblical scholarship or the methods which are used, but instead is concerned with the way believing communities come to the Bible to read it as canon. The question of Wellhausen's pentateuchal sources provides a particularly sharp example. Childs writes, "To distinguish the Yahwist source from the Priestly within the Pentateuch often allows the interpreter to hear the combined text with new precision. But the full, combined text has rendered a judgment on the shape of the tradition which continues to exert its authority on the community of faith."[155] For Childs canon involves much more than a list of approved books or even the collection of those approved books. Not only should reading the Bible as canon influence the way one approaches the Bible, but also the way one reads the Bible. One's position within the believing community should influence the manner in which one approaches the Bible. Even the questions one asks of the text and the answers that one expects from the text are closely related to the way one approaches the Bible. In this regard, Childs was critical of any historical-critical approach to the writing of Old Testament introductions that he believed read the text without appreciating the Old Testament's place in the community of faith. Viewing canon as a late and external factor, these readings frame the text as nothing more than a source for what can be gained historically.[156] For Childs, on the other hand, the shape and role of the canon were inextricably tied to the community from which it emerged. In his own *Introduction to the Old Testament*, he writes,

> [T]he usual historical critical [*sic*] Introduction has failed to relate the nature of the literature correctly to the community which treasured it as scripture. It is constitutive of Israel's history that the literature formed the identity of the religious community which in turn shaped the literature. This fundamental dialectic which lies at the heart of the canonical process is lost when the critical Introduction assumes that a historically referential reading of the Old Testament is the key to its interpretation. *It assumes the determining force on every biblical text to be political, social, or economic factors which it seeks to establish in disregard of the religious dynamic of the canon.*[157]

155 Brevard S. Childs, "The Exegetical Significance of Canon for the Study of the Old Testament," in *Congress Volume: Göttingen 1977* (VTSupp 29; ed. by J.A. Emerton et al.; Leiden: E.J. Brill, 1978), 69.

156 The editor of *Concordia Theological Monthly*, in an introduction to Childs's article, characterises Childs's criticism with these words: "The author argues that the historical-critical approach to the scriptures leads to unedifying results when the practitioners fail to treat Scripture as the Book of the church, containing the record of God's unique revelation." Idem, "The Old Testament as Scripture of the Church," 709.

157 Childs, *Introduction to the Old Testament as Scripture* (London: SCM, 1979), 41 (emphasis added).

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Crucial for Childs is the conviction that to read the Bible as anything other than the inscripturated canon of a believing community that seeks to pass its faith on to successive generations is to frame the text in a way that is less than helpful – even damaging – to one's ability to penetrate to the subject matter of the text.

As the discussion proceeds in this chapter, I will address Childs's view of canon with special attention given to possible ways his formulation of canon might profitably interact with Jan Assmann's mnemohistorical approach introduced above. These areas of interaction are Childs's particular formulation of canon, his understanding of the relationship between canon and successive generations of tradents, and his understanding of the biblical canon as a witness. These particular elements of Childs's work are helpful because they reframe the Bible as something other than a source for historical inquiry and yet do so in a manner that does not in principle exclude insights from critical methodologies. I begin here with an outline of Childs's understanding of canon.

3.2. What is the Canon?

One of the key issues when reading Childs, is what he means by "canon." Failure carefully to read Childs has, unfortunately, led to widespread misrepresentation of his views.[158] One of the chief purveyors of misinterpretations of Childs has been James Barr. As Childs notes in a review of James Barr's *Holy Scripture: Canon, Authority, Criticism*, wherein Barr severely misrepresents him,

> It is obvious that James Barr and this reviewer differ widely on many essential points. However, what is far more disturbing is what appears to be the level of misunderstanding. I come away from reading Barr's book with the impression that the major concerns of my *Introduction* have been badly misinterpreted and that much of the attack has missed the mark.[159]

Unfortunately, however, such misreadings have been widespread and give evidence to a misunderstanding of Childs's scholarly aims and, even more basically, his key formulations.

At least part of this misunderstanding might have resulted from Childs's English-speaking peers overlooking the influence his PhD years in Basel had on him. Indeed, Driver has shown that Childs's biblical theological works were

158 For a fuller account of the misreadings of Childs, see Daniel R. Driver, *Brevard Childs, Biblical Theologian: For the Church's One Bible* (FAT II: 46; Tübingen: Mohr Siebeck, 2010), 41–58.

159 Brevard S. Childs, Review of James Barr, *Holy Scripture: Canon, Authority, Criticism*, *Int* 38 (1984), 67.

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received differently in German and English scholarship.[160] Childs recognises this difference but makes no great effort in understanding it.[161] Driver, however, has argued that it was the strong German influence exerted on Childs during his time in Basel that produced this varied reception.[162] Particularly illuminating in understanding this German influence is Childs's opening statement at an informal colloquium on Karl Barth held at Yale Divinity School in 1969, only 6 weeks after Barth's death.[163]

> I feel a little chagrined being billed as a Barth scholar with this august group. I have a few volumes of Barth, but I must confess they are not the most paged in my library, that Wellhausen and Gunkel are much more paged, and even Bultmann and Dibelius. I suppose I have been exposed to Barth longer than most people: four years in Basel listening to Barth. And yet, I didn't go to hear Barth. I learned later that, of course, he was there. I went to Basel to learn Hebrew grammar from Walter Baumgartner. And yet Barth was there and we all listened to him. I came, I suppose, with a certain prejudice. I had read a little Barth at Princeton and found it completely incomprehensible. [Paul] Lehmann gave a course on Barth, and he talked about the "the" -who-revealed-Himself-in-Jesus-Christ-God, and it took me a whole semester to get on to the syntax, before I knew what was going on.[164]

The significance here is that Childs, still early in his career, clearly articulates his scholarly intentions and interests. He knows of Barth, but admits to not knowing that Barth was at Basel when he applied to study under Baumgartner in the German critical tradition.[165] As it is unwise to assume that where a student studies has no impact on his/her later scholarship, one must take this German influence into account when considering his formulation of biblical theology as well as canon. For Childs, the task of biblical theology is not theology "as it existed or was thought or believed within the time, language and cultures of the Bible," as Barr argued, but rather a theology of the whole Bible. His was a biblical theology akin to the German tradition, which worked from the biblical canon as the basis for its

160 Driver, *Brevard Childs*, 35–79.

161 Brevard S. Childs, "The Canon in Recent Biblical Studies: Reflection on an Era," *ProEccl* 14 (2005): 26–45; repr. in *Canon and Biblical Interpretation* (SHS 7; Milton Keynes: Paternoster, 2006): 33–57.

162 Driver, *Brevard Childs*, 80–101.

163 The colloquium was tape-recorded, transcribed, and published as David L. Dickerman, *Karl Barth and the Future of Theology: A Memorial Colloquium Held at the Yale Divinity School, January 28, 1969* (New Haven: Yale Divinity School Association, 1969).

164 Brevard S. Childs, "Karl Barth as Interpreter of Scripture" in *Karl Barth and the Future of Theology: A Memorial Colloquium Held at the Yale Divinity School, January 28, 1969* (New Haven: Yale Divinity School Association, 1969), 30.

165 Childs's more favourable attitude towards Barth's work, which was already to be seen in this colloquium, will be discussed further below.

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theology of the Bible. Thus, Barr's definition of biblical theology rules out Childs's efforts from the start.[166]

As hinted at above, Childs's conception of canon existed as a broad conception that encompasses a great deal more than the final form of the text, a list of approved books, or even an authoritative text.[167] As Driver notes, the issue of defining canon constituted one of Barr's worse misreadings of Childs; he seems to believe that Childs's conception of canon consisted entirely of these three elements, and entirely misses in Childs's argument that the canonisation *process* that led to the completed canon is central to his concerns.[168] Barr's misunderstanding of Childs seems, at some points, to be based on Barr's own preconception that "the usual sense of the word 'canon' [is] the list of books which together comprise holy scripture."[169] As far as Childs is concerned, however, Barr's narrow definition of canon leads to a gross misunderstanding of his aims. He writes,

> Regardless of whether or not Barr agrees with my terminology, a major criticism of his book is that he chooses to read my *Introduction* using his own narrow and traditional definition of canon, namely, the process of determining the scope of the literature by means of the fixing of lists after the manner of Josephus. As a result, the force of my arguments is badly misunderstood, and the major point of the suggested hermeneutic is rendered inoperative.[170]

His frustration is clear and justified if Barr indeed brings his own definition of canon into his reading of Childs's work without allowing Childs to formulate canon the way he chooses.

One might well argue that Childs should have abandoned the use of the term "canon" if it led to such misunderstandings, but Childs maintained the need to "retain the term 'canon' to emphasize that the process of religious interpretation by a historical faith community left its mark on a literary text which did not

166 James Barr, *The Concept of Biblical Theology: An Old Testament Perspective* (Minneapolis: Fortress, 1999), 4.

167 It should also be obvious how this broader conception of canon finds greater acceptance in German scholarship which construes biblical theology in more theological rather than historical terms. This broader conception of canon is not only to be contrasted with the standard critical view, "By the canon of Scripture is meant the official list, recognized by the church, of the books of the OT and NT, or in Judaism the list of books of the Hebrew Bible," John Barton, "Canon," *DBI*, 101; but also with the Catholic view, "Canon, Biblical, the official list of the inspired books that constitute Sacred Scripture. Since divine inspiration pertains to the realm of the supernatural, the fact of inspiration can be known only through divine revelation. According to Catholic doctrine, the proximate criterion of the Biblical canon is the infallible decision of the Church," L.F. Hartman, "Canon, Biblical," *NCE* 3:29.

168 Driver, *Brevard Childs*, 229–230.

169 James Barr, *Holy Scripture, Canon, Authority, Criticism* (Oxford: Oxford, 1983), 75.

170 Brevard S. Childs, "Childs Versus Barr," *Int* 38 (1984), 68.

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continue to evolve and which became the normative interpretation of those events to which it bore witness."[171] Childs's understanding of canon is considerably broader than his contemporaries's. He himself recognises that this formulation is broad when he writes,

> As I have already suggested, the process of the formation of authoritative religious writings long preceded the particular designation of the collection as canon in the fourth century. For this reason I am using the term canon in a broader sense than is traditionally the practice in order to encompass the entire process by which the formation of the church's sacred writings took place.[172]

Childs defines canon in this broader sense because he believes that the biblical text itself evidences a canon consciousness on the part of the tradents of the faith. Not only were they receiving texts as an authoritative witness to God, but they were also shaping and reworking them with an eye towards future generations. For Childs,

> The concept of canon was not late, ecclesiastical ordering which was basically foreign to the material itself, but that canon-consciousness lay deep within the formation of the literature. The term also serves to focus attention on the theological forces at work in its composition rather than seeking the process largely controlled by general laws of folklore, by socio-political factors, or by scribal conventions.[173]

To study the Bible as canon, then, is not a purely literary or structural approach to the Bible. Rather, to read the Bible as a canon of Scripture that reflects the hermeneutical and theological concerns of the tradents is to study the Bible both as an historically situated text and as authoritative Scripture of a faith community.

3.3. Canon and the Legacy of Faith

As hinted at above, another of Childs's central concerns is to read the Bible with the understanding that it is the result of intentional hermeneutical, moral, and theological decisions made on the part of tradents who received these texts as

171 Ibid. Of interest, however, is the fact that Childs seems to believe this term created as much confusion as it resolved. Childs later claims that his readers will often too quickly label his work as "canonical" assuming that the label summed up the entirety of Childs's project. In the preface to his Isaiah commentary he says, "I also resist the practice of some immediately to characterize my approach as 'canonical,' since the label has only engendered major confusion. Frequently, I have had genuine difficulty in even recognizing those features that have been assumed by reviewers to be constitutive of my approach." Brevard S. Childs, *Isaiah: A Commentary* (OTL; Louisville: Westminster John Knox, 2001), xii.

172 Brevard S. Childs, *New Testament as Canon: An Introduction* (London: SCM, 1984), 25.

173 Brevard S. Childs, *Biblical Theology of the Old and New Testaments*, 70–71.

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authoritative in their shaping of the canon. The basis of this claim, which he develops in his two Introductions, is Childs's belief that the biblical text itself bears witness to these decisions.[174] He argues that the "motivations behind the canonical process were diverse[175] and seldom discussed in the biblical text itself. However, the one concern which is expressly mentioned is that a tradition from the past be transmitted in such a way that its authoritative claims be laid upon all successive generations of Israel."[176] "Scripture serves as a continuing medium through which the saving events of Israel's history are appropriated by each new generation of faith."[177]

This concept of a canonical process which enables Israel to pass on its faith to the next generation can be seen, for example, in his treatment of Deuteronomy in his *Introduction to the Old Testament*, where he writes,

> Finally, a major canonical force in the shaping of Deuteronomy derived from the fixing of the Mosaic law in book form. A major contribution of Perlitt has been to describe a level of redaction which grounded Israel's existence in a collection of written scripture and not in a recurring covenant ceremony.[178] In fact, von Rad also made explicit mention of the beginning of a canon consciousness in Deuteronomy's understanding of the law as contained in a fixed body of writing.[179] However, this correct literary analysis

174 Childs, *Biblical Theology of the Old and New Testaments*, 71, where Childs writes, "One of the main endeavours of my two Introductions was to describe the manner by which the hermeneutical concerns of the tradents left their mark on the literature. The material was shaped in order to provide means for its continuing appropriation by its subsequent hearers. Guidelines were given which rendered the material compatible with its future actualization." Childs shows here his debt to the German tradition in which he was trained; he remains confident in the ability of methods of biblical study to bring the history of the biblical text into the light.

175 Unfortunately, Childs never developed a comprehensive picture of these "diverse" impetuses for the canon, and seems to highly value theological concerns. Indeed, "Although non-religious factors (political, social, economic) certainly entered into the canonical process, these were largely subordinated to the religious usage of the literature by a particular religious community for some authoritative role." Childs, "The Exegetical Significance," 68.

176 Childs, *Biblical Theology of the Old and New Testaments*, 78. At this point Childs references Exod 12:14, 26ff. and Deut 31:9ff.

177 Brevard S. Childs, *Old Testament Theology in a Canonical Context* (Philadelphia: Fortress, 1985), 15.

178 Lothar Perlitt, *Bundestheologie im Alten Testament* (WMANT 36; Neukirchen-Vluyn: Neukirchener Verlag, 1969.

179 Here Childs cites Gerhard von Rad, *Old Testament Theology: Volume 1, The Theology of Israel's Historical Traditions* (trans. by D.M.G. Stalker; Edinburgh: Oliver and Boyd, 1962), 189. However, upon inspection, it is not clear why he cited this page. Instead, the relevant material seems to run from 190–193; on page 190 von Rad writes, "These series of commandments [in Lev 19:13–18] themselves presuppose considerable pastoral as well as theological reflexion; for all of them must once have been put together by priests, on the basis of deliberate selection from a very much ampler store of tradition. They all owe their

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> of a redactional influence on Deuteronomy is usually judged by scholars to be a breakdown of genuine Deuteronomic theology which was thought to be originally flexible and dynamic. Surely this evaluation seriously misses the mark. Rather, the fixing of the shape of Deuteronomy in a written form arose from a theological concern to guard the shape of the tradition which had assumed a normative role within the community's life and on whose authority faith was grounded. It did not destroy, but rather helped to maintain the richness of the tradition, but in such a way as to allow the Mosaic law to be mediated for successive generations who had no direct access to Sinai.[180]

For Childs, then, the factors that lay behind the canonisation process must be understood in theological, rather than purely historical, terms as an attempt to safeguard the tradition for future generations of tradents. This fact, in turn, should influence the way members of that faith community approach the Bible. Readers who exist within the faith community should themselves have a canon consciousness as they read the text, because of the canon consciousness that was present in those who were involved in the canonisation process which resulted in their canon.

3.4. Canon as Witness

Another of the central tenets of Childs's work is that the Bible is a witness. Not only this, but, as developed above, the Old Testament is also Israel's witness; the canonical process attests to this fact. For Childs, "The goal of a new approach is to seek to do justice to the theological integrity of Israel's witness while at the same time freely acknowledging the complexities of all human knowledge and the serious challenge of modernity to any claims of divine revelation."[181] But Childs never rejects efforts to read the biblical text diachronically as many of his opponents have argued. He maintains that "the crucial distinction between reading the text as witness rather than just as source does not call into question the important diachronic dimension of Israel's history with God."[182] Childs's canonical approach, then, aims to maintain scholarly rigor – which includes study of

existence to the endeavour to outline Jahweh's whole will for men in the shortest possible form."

180 Childs, *Introduction to the Old Testament*, 223–224.

181 Childs, *Biblical Theology of the Old and New Testaments*, 99.

182 Childs, *Biblical Theology of the Old and New Testaments*, 105. Similarly, Childs writes, "A major thesis of this book is that this basic problem in Biblical Theology can only be resolved by theological reflection which moves from a description of the biblical witnesses to the object toward which these witnesses point, that is, to their subject matter, substance, or *res*." Op. cit., 80.

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the text's ostensive reference – as well as to respect the biblical canon, reading it from within the believing community.

Additionally, Childs is explicit that the canon is also a witness to Jesus Christ. This commitment is rooted in the early church's insistence on adopting and using the Jewish Scriptures as their own. The first generations of Christians had only these writings and were convinced that they bore witness to Christ. Childs writes,

> I would argue that the Old Testament functions within Christian scripture as a witness to Jesus Christ precisely in its pre-Christian form. The task of Old Testament theology is, therefore, not to Christianize the Old Testament by identifying it with the New Testament witness, but to hear its own theological testimony to the God of Israel whom the church confesses also to worship. Although Christians confess that God who revealed himself to Israel is the God and Father of Jesus Christ, it is still necessary to hear Israel's witness in order to understand who the Father of Jesus Christ is. The coming of Jesus does not remove the function of the divine disclosure in the old covenant.[183]

It is important to note here that Childs is careful not to flatten the Old Testament witness. He is keenly aware of the possibility of ignoring the distinctive witness of the Old Testament by Christianising it and re-framing Israel's witness contained therein. Instead, Childs is deeply concerned to get to the subject matter (*Sache*) of the text, which is Jesus Christ.[184]

3.4.1. The Karl Barth Connection

This concern for the Bible as a witness to the *Sache* is also a hallmark of Karl Barth's theology. And so, at this point, it is necessary and helpful to recognize the influence that Karl Barth's theological exegesis exerted on Childs.[185] It has often

183 Childs, *Old Testament Theology*, 9.

184 This, of course, does not do full justice to Childs's complex formulation of the dialectic relationship between the testaments. See Childs, *Biblical Theology of the Old and New Testaments*, 453–467.

185 Similarly, there have been many other comparisons made, such as between Childs and von Rad. However, Childs once wrote, "As a young student who had fallen under the spell of von Rad, I shared with many others the conviction that his brilliant method held the key to a proper understanding of the Old Testament. Von Rad saw his approach as one which would revitalize the entire theological enterprise. Significantly, even he, in his last years, began to have second thoughts. In time a new generation of highly competent form and redaction critics replaced the old masters within the German universities. Yet much of the excitement which his early post-war lectures evoked had died. The promise had not materialized. Biblical studies in the 70's has begun to look like those in the 20's. *Slowly I began to realize that what made von Rad's work so illuminating was not his method as such, but the theological profundity of von Rad himself.* The same observation holds true for Wolff and Zimmerli. I am convinced that no amount of methodological refinement will produce a

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been remarked that Childs formulated his canonical approach in the wake of Karl Barth's theological interpretation of Scripture.[186] This sentiment has been avidly articulated by James Barr,[187] a fact that has been helpfully documented by Driver.[188] Although much more could be said here, the central issue is Childs's view of the Bible as a witness, a concept that Childs clearly adopted from his former professor at Basel.[189]

Viewing the Bible as a witness is central to Barth's doctrine of the Scripture, a point that has been made by McKim: "Scripture, for Barth, was included as part of God's act of revelation. But it in itself was not the central act of revelation. Jesus Christ was. Scripture's function was to point or witness to Jesus Christ. The written Word directs its readers to the living Word."[190] Jesus, as the heart (the *Sache*) of the Scriptures, is witnessed to by the Scriptures. In this sense, Barth also speaks of the biblical writers as witnesses. He states that "Standing in this service, the biblical witnesses point beyond themselves. If we understand them as witnesses, and only as such [*sic*] do we authentically understand them, i.e., as they understand themselves."[191]

When considering how this view of Scripture influenced Childs, perhaps the best place to begin is with the previously mentioned 1969 informal colloquium held at Yale Divinity School on the subject of Barth's legacy.[192] The setting is particularly illuminating because of the conversational tone of the participants. This is especially true of Childs, who offers many anecdotes from his life at Basel and personal experiences with Barth. To be sure, his paper and the question and answer session at the end of the colloquium offer valuable insight into his positive views of Barth's

quality of interpretation which that generation achieved whose faith in the God of Israel was hammered out in the challenge to meet the Nazi threat against the life of the church." Brevard S. Childs, "A Response," *HBT* 2 (1980), 208 (emphasis added).

186 Although rather disappointing, the largest single treatment of this issue remains Charles Scalise, "Canonical Hermeneutics: The Theological Basis and Implications of the Thought of Brevard S. Childs" (Ph.D. diss., The Southern Baptist Theological Seminary, 1987); and idem, "Canonical Hermeneutics: Childs and Barth," *SJT* 47 (1994): 61–88.

187 As Driver shows, this may be especially true as it relates to the concept of biblical theology. In a manner parallel to Barr's projection of his own concept of canon onto Childs, Driver shows that Barr projected his own conception of biblical theology onto Barth; Driver, *Brevard Childs*, 80–89; Barr, *The Concept of Biblical Theology*, 408–414.

188 Driver, *Brevard Childs*, 80–101.

189 For example, Driver shows the significance of where Childs and Barr were schooled for how they understand biblical theology. He also shows the negative impact that personal contact and professional interaction with Barth's student T.F. Torrance had on Barr. Driver, *Brevard Childs*, 80–101.

190 Donald K. McKim, *The Bible in Theology and Preaching: How Preachers Use Scripture* (rev. ed.; Nashville: Abingdon, 1994), 83.

191 Karl Barth, *Church Dogmatics, 1/1: The Doctrine of the Word of God* (trans. by G.W. Bromiley; ed. by G.W. Bromiley and T.F. Torrance; Edinburgh: T&T Clark, 1975), 111–112.

192 Dickerman, *Karl Barth and the Future of Theology.*

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biblical theology and theological exegesis. Specifically, Childs speaks of Barth's journey through the biblical text to the subject matter within, and he states that there is much truth in many of the criticisms of Barth's exegesis,

> [I]t seems to me it's the fact that Barth wants to go through the text, to the reality, that the text becomes a transparency, that the walls that separate the Apostle from the reader are dissolved, and one then begins to confront the reality itself – and for Barth there can be no antiquarian interest. And that means that Barth has the tendency always to move down, to move through, and talk about the transparency. Very soon one is wrestling with the realities of Grace, and Judgment, and Nature and Grace – all the rest of these things – and that remains a problem. It seems to me this may be somewhat of an overstatement, but it is true that the kind of work he does is of such a different genre that for one who has been trained in the traditional critical way, it does seem that wherever Barth starts, he ends up in these massive theological statements and most of us have trouble following him.[193]

At least part of the reason that Childs believes Barth attempts to read the Bible as a transparency can be seen later in the colloquium's question and answer session. A student asks whether Barth is sometimes guilty of allegorising the biblical text. Childs's response is important and will be quoted at length.

> CHILDS: Well it seems to me for the last twenty or thirty years people have been trying to combine the orthodoxy of Barth with the historical-critical approach. It seems to me that this enterprise has now come to an end and proven unfruitful – that you are now at the turn of the road, you have to go either right or left; that the type of move that said that Barth is right in seeing theological dimension, but now we have to take history more seriously and bring in the whole baggage. […]
> In other words, I'm suggesting that I think that the problem is far deeper than this. It's a problem that certainly didn't just arise with Barth. (And much of what I've learned about this has come from talking with Hans Frei.) But it has often bothered and puzzled me. You see, when you read Calvin, he fights against the whole medieval tradition by saying it's the *sensus literalis* that counts – it's the literal sense – and you have page after page against the whole church dogma.[194] But then you read Calvin on the Old Testament, and here's Jesus Christ and Jesus Christ. How could it possibly be? And everybody just says that Calvin is just inconsistent.

193 Childs, "Karl Barth as Interpreter of Scripture," 33–34.

194 Jon Whitman has recently argued that there was a transition in a Christian understanding of the "literal sense" as early as the 13th c. with Thomas Aquinas and Albert the Great. Whitman argues that these two signal a shift towards understanding the authorial intention as the literal sense. Aquinas writes in *Summa* I (q. 1, a. 10, ad. 3) that it is not "the figure itself, but what is figured [that is] the literal sense." This transition turns previous understandings on their head. For translation of Aquinas, see Thomas Aquinas, *Basic Writings of Saint Thomas Aquinas* (ed. by Anton Pegis; 2 vols; New York: Modern Library, 1945): I:17. Jon Whitman, "The Literal Sense of Christian Scripture: Redefinition and Revolution" in *Interpreting Scriptures in Judaism, Christianity, and Islam: Overlapping Inquiries* (ed. by Mordechai Z. Cohen and Adele Berlin; Cambridge: Cambridge, 2016): 133–158.

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> It seems to me that this doesn't at all touch the heart of the problem: that for Calvin, the *sensus literalis* IS Jesus Christ.[195] And it was only when you have the eighteenth century identification of the literal sense with the historical sense that you're just hopelessly lost. And it seems to me that it's something along that line – that we've just been unable to understand what Barth is doing.
> [Hans] FREI: That's right.[196]

In other words, Barth saw what he was doing not as a deviation from the literal sense, but as a journey through the text to the true subject matter of the Bible, namely Jesus Christ.[197] Not only does the New Testament bear witness to Christ,

195 Childs continued to reflect on and be influenced by pre-modern conceptions of the literal sense of Scripture, especially that of Calvin. See especially his, "The Sensus Literalis of Scripture: An Ancient and Modern Problem," in *Beiträge zur Alttestamentlichen Theologie: Festschrift für Walther Zimmerli zum 70. Geburtstag* (ed. by Herbert Donner et al.; Göttingen: Vandenhoek & Ruprecht, 1977): 80–93; he writes, "The main lines of Luther's understanding of the literal sense of the text emerge by seeing the various interpretations of Scripture which he rejects. Although Luther began his lectures on the Bible fully within the medieval tradition of the multiplicity of senses, his opposition to the allegorical method clearly intensified. Often as part of his polemic against the spiritualizing of the text was his appeal *ad literam [sic]*. Yet Luther also found Erasmus' *sensus grammaticus* to be flat, sterile, and a fully inadequate wrestling with the subject matter of the Bible. […] John Calvin's understanding of Scripture is quite different from Luther's. Yet there are genuine points of agreement on the issue of the literal sense. Calvin rejected any dichotomy between the literal and spiritual senses. […] Calvin spoke of the *verus scripturae sensus* which is both literal and spiritual, the single true sense of the text. Above all, Calvin's approach focused on the text itself, not trying to penetrate through it in a search for something behind it, because for him the text was the faithful vehicle for communicating the oracles of God. Calvin does not therefore need to add a secondary or spiritual meaning to the text because the literal sense is its own witness to God's divine plan." CHILDS, "The Sensus Literalis of Scripture," 86–87.

196 Childs, "Karl Barth as Interpreter," 52–53 (emphasis provided by transcriber). Frei will make a fuller form of this argument in Hans W. Frei, *The Eclipse of Biblical Narrative: A Study in Eighteenth and Nineteenth Century Hermeneutics* (New Haven: Yale, 1974), 1–50. That same year Frei will present a paper at the Karl Barth society of North America and state, "You remember what he said in the first edition [of his Romans commentary]? It was (and it is one of the few sayings from the preface of the first edition that I think he held to all his life) that he was happy he did not have to choose between historical criticism and the old doctrine of inspiration, but that if he did he would choose the old doctrine of inspiration. He held to that. He held to that through thick and thin, he felt he did not have to choose. But he also felt that the priority belonged to something like the old doctrine of inspiration (although it had to be carefully modified) – the doctrine of inspiration that genuinely pressed you to the subject matter of the Bible that was in the text, rather than to the peripheries that were behind the text, which was what historical criticism did." Hans W. FREI, "Scripture a Realistic Narrative: Karl Barth as Critic of Historical Criticism" (paper presented to the Karl Barth Society of North America, Toronto, 1974; published in George Hunsinger, ed., *Thy Word is Truth: Barth on Scripture*; Grand Rapids: Eerdmans, 2012), 52.

197 This is not an epistemological claim, but rather an ontological one. If Christ is in tri-unity with the Father and the Spirit, and if Scripture bears witness to the Father, then it also bears witness to the Son, for it is through the Son that the Father has chosen to make himself known. Barth's preface to his second edition of his *Römerbrief* is particularly noteworthy

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but the early church adopted the Old Testament as Scripture because of their conviction that the *Sache* of these texts was Christ. It is this interpretation of Scripture in light of its witness to Jesus Christ as subject matter, which is perhaps the strongest legacy of Barth which remains within Childs's work.[198]

3.4.2. Canon and Christian Interpretation

As soon as canon is construed in Childs's terms, the attitude one adopts when approaching the biblical text is invariably affected. This effect which canon has on the reader is what Childs calls the theological extension. He writes,

> I also included in the term "canonical" an important addition [*sic*] component which was a theological extension of its primary meaning. The canonical form of this literature also affects how the modern reader understands the biblical material, especially to the extent in which he or she identifies religiously with the faith community of the original tradents. The modern theological function of canon lies in its affirmation that the authoritative norm lies in the literature itself as it has been treasured, transmitted and transformed – of course in constant relation to its object to which it bears witness – and

here. Although there is more than can be quoted, it is telling that Barth, like Childs later (also working within the Reformed tradition), speaks favourably of Calvin's exegesis. After stating that recent commentaries on Romans have only been offering the "first step toward commentary," he challenges his readers to compare modern interpretations with pre-modern ones. He states, "For example, place the work of Jülicher side by side with that of Calvin: how energetically Calvin, having first established what stands in the text, sets himself to re-think the whole material and to wrestle with it, till the walls which separate the sixteenth century from the first become transparent. Paul speaks, and the man of the sixteenth century hears. The conversation between the original record and the reader moves round the subject-matter, until a distinction between yesterday and to-day becomes impossible. […] Taking Jülicher's work as typical of much modern exegesis, we observe how closely he keeps to the mere deciphering of words as though they were runes." Karl Barth, *The Epistle to the Romans* (6th ed.; trans. by Edwyn C. Hoskyns; Oxford: Oxford: 1968), 6–7. Barth, of course, is not arguing for a return to pre-modern views of the Bible or modes of interpretation, but is saying that Calvin moves to the stage of interpretation when most modern interpreters do not.

198 Another key similarity between Barth and Childs is their commitment to a Bible that is both human and divine; Karl Barth, *Church Dogmatics, 1/2: The Doctrine of the Word of God* (trans. by G.T. Thomas and Harold Knight; ed. by G.W. Bromiley and T.F. Torrance; Edinburgh: T&T Clark, 1956), 466–467, 501, 528–529, and 532–533. Indeed, if one so chose, one could read Childs out of context as admonishing his reader that, "We have to read [the Bible] like any other book." Brevard Childs, "Jonah: A Study in Old Testament Hermeneutics," *SJT* 11 (1958), 56. Conversely, if one is so inclined, Barth could be misread to be applying divine-like attributes to the Bible. For example where Barth writes, "The Word of God is God Himself in Holy Scripture. For God once spoke as Lord to Moses and the prophets, to the Evangelists and apostles. And now through their written word He speaks as the same Lord to His Church. Scripture is holy and the Word of God, because by the Holy Spirit it became and will become to the Church a witness to divine revelation." Barth, *CD 1/2*, 457.

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> not in "objectively" reconstructed stages of the process. The term canon points to the received, collected, and interpreted material of the church and thus establishes the theological context in which the tradition continues to function authoritatively for today.[199]

Stated differently, "The theological enterprise involves a construal by the modern interpreter, whose stance to the text affects its meaning."[200] Although the fullest account of this understanding of the "theological enterprise" is undoubtedly to be found in his *Biblical Theology*,[201] Childs helpfully distils his views in a 1997 *Festschrift* for Peter Stuhlmacher.[202] This construal of the modern reader's posture during the theological task is based, according to Childs, upon a proper definition of the object of investigation. Rather than approaching the Bible as a source for historical re-construction and only defining the theological task after the descriptive work has been done, Childs argues for the need accurately to define the object of interpretation as a first step.[203] Once the Bible is described accurately (i. e., according to its acceptance and usage within the ongoing community of faith as a witness to Christ), then the exegesis can begin.

Once exegesis does begin, it is done in a dialectical manner in which the reader comes to the text already with theological assumptions (after all, this cannot be avoided), but "the task of good exegesis is to penetrate so deeply into the biblical text that even these assumptions are called into question, are tested and revised by the subject matter itself."[204] Accordingly, "proper exegesis does not confine itself to registering only the verbal sense of the text, but presses forward through the text to the subject matter (*res*) to which it points."[205] Furthermore, Childs argues that this dialectical model of theological interpretation conflates "explanation" and "understanding" until they are part of the same interpretive action.[206]

199 Childs, *Biblical Theology of the Old and New Testaments*, 71.

200 Childs, *Old Testament Theology*, 12.

201 In fact, his articulation of this issue goes back as early as the 1960's. Brevard S. Childs, "Interpretation in Faith: The Theological Responsibility of an Old Testament Commentary," *Int* 18 (1964), 432–249.

202 Brevard S. Childs, "Does the Old Testament Witness to Jesus Christ?" in *Evangelium, Schriftauslegung, Kirche: Festschrift für Peter Stuhlmacher zum 65. Geburtstag* (ed. by Scott J. Hafemann et al.; Göttingen: Vandenhoeck & Ruprecht, 1997): 57–64. This essay is, in point of fact, a response to a critique offered by Childs's friend and supporter Rolf Rendtorff, who critiqued certain elements of Childs's *Biblical Theology*. Idem, Review of Brevard S. Childs, *Biblical Theology of the Old and New Testaments*, *JBTh* 9 (1994): 359–369.

203 Childs, "Interpretation in Faith," 437.

204 Childs, "Does the Old Testament Witness to Jesus Christ?" 60.

205 Ibid.; and idem, *Biblical Theology of the Old and New Testaments*, 83–85.

206 Childs, "Does the Old Testament Witness to Jesus Christ?" 60.

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A further aspect of this dialectical understanding of interpretation is "a multiple level reading of Scripture according to different contexts."[207] The first level of interpretation involves interpreting each passage within the Old Testament "within its historical, literary, and canonical context."[208] To do so is to understand that "promise and fulfilment" are not identical.[209] To read the Trinity back into the Old Testament or to read back the person of Jesus Christ is to disregard the Old Testament's own voice. The second level of interpretation reads the Bible as a volume in two parts and seeks out points of continuity and discontinuity between the testaments. The "relationship of content" is what the interpreter is after.[210] Following this, the third level of interpretation reads the Bible as a unified volume. The implication of this claim is that the Bible in both parts is read from the full knowledge of its subject matter. In other words, after reading the Bible as a volume in two parts, the interpreter reads the entire volume as one united work witnessing to the same subject matter. He writes,

> The interpreter now proceeds in a direction which moves from the reality itself back to the textual witness. The central point to emphasize is that the biblical text exerts theological pressure on the reader which demands that the reality which undergirds the two voices not be held apart and left fragmented, but critically reunited.[211]

Does this mean, Childs next asks, that Christians can ultimately read Isaiah 53 "as the voice of Israel in the Hebrew Scriptures and at the same time speak of its witness to Jesus Christ?"[212] Childs believes that such exegesis is not only possible, but mandatory, "because Scripture performs different functions according to distinct contexts, a multi-level reading is required even to begin to grapple with the full range of Scripture's role as the intentional medium of continuing divine revelation."[213]

For Childs, this is a natural outworking of beginning his exegesis with the Bible as canon and as a witness. The canon defines the context of interpretation, witness defines the subject matter, and this multi-level approach to Christian interpretation is an attempt to take seriously the fact that the Old Testament is Scripture both for Jews – without the New Testament – and for Christians – with the New Testament. If anything, this discussion has demonstrated the complexity of interpreting an ancient, inscripturated canon as a "medium of God's continuing divine revelation."[214]

207 Childs, "Does the Old Testament Witness to Jesus Christ?" 61.
208 Ibid.
209 Ibid.
210 Ibid.
211 Childs, "Does the Old Testament Witness to Jesus Christ?" 62.
212 Childs, "Does the Old Testament Witness to Jesus Christ?" 63.
213 Ibid.
214 Ibid.

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3.5. Evaluating Childs

Before concluding my focussed discussion of Childs, it is necessary to add a level of critical evaluation to the presentation of his canonical approach. Although this will necessarily be brief, I will nonetheless address two possible limitations of Childs's scholarship relevant to the aims and scope of this study. This critique, however, must be read with the acknowledgement of the enormous impact that Childs has had – and continues to have – upon the field of biblical studies. In large part, this lasting impact is due to his wide-ranging engagement with the field as a whole and can be evidenced by the many dissertations that have been devoted to studying his work and influence as well as the fact that the so-called canonical approach is a recognised and accepted interpretive model for biblical scholars today.[215]

First, and most pertinent to the present study, is Childs's reluctance to employ the social sciences in biblical interpretation. Although he interacts with his contemporaries engaged in social scientific approaches to the Bible, he often leaves those interactions as nothing more than a simple acknowledgment and – in effect – dismissal. By way of example, consider the following statement in his *Introduction:*

> For some scholars, the separation between the form and the content of the Bible called forth an attempt to try a new synthesis by combining Old Testament history, theology, and literary criticism (e.g. B.W. Anderson, N. Gottwald)[216] but the contribution from this effort lay more in its clever packaging than in the substance of the proposal.[217]

Six years after his introduction to the Old Testament was published, Childs offered a more substantial engagement with Gottwald's *The Tribes of Yahweh.*[218] In so doing, Childs develops more fully his conviction that Gottwald's socio-

215 Driver, *Brevard Childs* remains the best treatment of Childs, but others include Charles Scalise, "Canonical Hermeneutics;" Mark G. Brett, *Biblical Criticism in Crisis? The Impact of the Canonical Approach on Old Testament Studies* (Cambridge: Cambridge, 1991); William John Lyons, *Canon and Exegesis: Canonical Praxis and the Sodom Narrative* (JSOTSup 352; Sheffield: Sheffield, 2002); and Paul R. Noble, *The Canonical Approach: A Critical Reconstruction of the Hermeneutics of Brevard S. Childs* (BIS 16; Leiden: E.J. Brill, 1995).

216 Elsewhere, Childs critiques Morton Smith, *Palestinian Parties and Politics that Shaped the Old Testament* (New York: Columbia, 1971); Childs, *Biblical Theology of the Old and New Testaments*, 22–23. It is important to note the contrast between Childs and Assmann on this point: much of Assmann's formulation of the five steps of canonisation is indebted to Smith's theory of a Yahweh-alone movement (see 2.3.4.).

217 Childs, *Introduction to the Old Testament*, 39.

218 Childs, *Old Testament Theology in a Canonical Context,* 24–26. See the discussion of Childs and Gottwald in Brett, *Biblical Criticism*, 11–13; and especially Noble, *The Canonical Approach*, 170–183.

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logical approach "results in a massive theological reductionism."[219] This reductionism, Childs maintains, is rooted in Gottwald's conflation of theology and the social reality.[220] In other words, Childs doubts sociology's ability to address the subject matter of the biblical canon because – in his opinion – even the most sophisticated sociological approaches to the Bible have a tendency to domesticate Scripture.[221]

Interestingly, in his discussion Childs betrays perhaps more than he is aware. At one point he writes, "In my judgment, the least which one can demand of a modern critical interpreter is that some dialectical tension is maintained between theology and culture. How well one integrates the two will largely determine the success of the enterprise."[222] Given the context and content of the discussion, it seems that by "culture" Childs has in mind the cultural and social realities that stand behind the text and serve as the governing interest of Gottwald. Yet, according to Childs's own standard of evaluation, his approach seems to fall into suspicion when he writes,

> The great service of Gottwald lies in his spelling out in an impressive manner the radical implications of a consistent sociological approach to the Old Testament. Although in recent years many other biblical scholars have toyed with the sociological method, the credit belongs to Gottwald for exploiting the full implications of a method which lies at the opposite extreme to the canonical approach which I am suggesting.[223]

If we can take this statement at face value, Childs is positioning himself as one who has very little or no interest in participating in the dialectical tension between theology and the cultural realties behind the text. When one considers Childs's discussions of Deuteronomy in his *Introduction*, this suspicion seems to be confirmed – he never attempts to interpret Deuteronomy in light of or in dialectical tension with the possible social realities of the tradents behind the formation of the biblical canon.[224] Further, Childs and Gottwald differ greatly on their understanding of the motivations of the canonising communities: as was seen above, Childs emphasises the theological motivations of the tradents whereas Gottwald emphasises the sociological forces at work in the canonising process.[225] This lack of sociological engagement, in my opinion, amounts to a weakening of Childs's approach.

219 Childs, *Old Testament Theology in a Canonical Context,* 25.
220 Ibid.
221 Childs, *Biblical Theology of the Old and New Testaments*, 22–25.
222 Childs, *Old Testament Theology in a Canonical Context,* 25.
223 Childs, *Old Testament Theology in a Canonical Context,* 24.
224 Childs, *Introduction to the Old Testament*, 202–225.
225 Noble, *The Canonical Approach*, 179; and Brett, *Biblical Criticism*, 151. This distinction also exists between Childs and Assmann, as will be discussed in 4.4.1. below.

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A second possible limitation of Childs's interpretive work is the perceptible tension between his actual exegesis and what he claimed to be doing in relation to what he calls the text's "depth dimension." This particular aspect of Childs's approach has been noted before, with one critic calling him a canonical interpreter who is also a part-time historical critic.[226] While similar critiques of Childs's work are discussed below in greater detail with regard to Childs's *Exodus* (see 4.2.1.), it is nonetheless worth noting this particular weakness in his Isaiah commentary. In his *Introduction* Childs wrote that

> To work with the final stage of the text is not to lose the historical dimension, but it is rather to make a critical, theological judgment regarding the process. The depth dimension aids in understanding the interpreted text, and does not function independently of it.[227]

However, although Childs is clear that a theologically oriented interpretation of the canonical text must be firmly rooted in prior historical-critical work, his own engagement with the depth dimension of the text is weak in many places. For example, although Childs states clearly that in his approach to interpreting Isaiah 7, "the goal of interpretation is toward an understanding of the full richness of the various voices in this passage, but always in relation to the text's final form,"[228] this effort at engaging with the text's depth dimension is lacking in much of the commentary – at least in ways that the reader might expect given Childs's strong and repeated claims that he has not abandoned historical criticism. Although Childs is quick to note scholarly discussions regarding various redactional and editorial layers within Isaiah 7, he scarcely allows his readers to hear "various voices in this passage." He notes points in the text where various voices might be heard (a recognition of a depth dimension within the text), but does not allow these voices to speak on their own, nor does he appear to bring them together in order to gain an understanding of their full richness. Instead, in his discussion of Isaiah 7, Childs's actual exegesis appears to remain firmly rooted in a final form reading of the text. This practice has often been recognised as an inconsistency within Childs's approach.

3.6. Summary

I have now reached the end of my discussion regarding Childs's canonical approach to Scripture. This approach can be understood as an attempt to read the Bible in a way that extends beyond the descriptive task of exegesis. It accom-

226 Brett, *Biblical Criticism*, 68.
227 Childs, *Introduction to the Old Testament*, 76.
228 Childs, *Isaiah*, 63.

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plishes its aim by first defining the Bible as canon and as a witness to Jesus Christ. The result of coming to terms with the Bible as canon and witness is that the Bible becomes more than a source for the history of Israel and Israel's religion. Far from this, when the Bible is framed and read according to Childs's understanding of canon and witness, the Bible – both Old and New Testaments – can be interpreted in a way that is both historically responsible and theologically constructive. This approach to biblical interpretation begins by defining the Bible as continuing witness to the one God who is God of both Israel and the Church. The Bible bears witness under these terms to the one God who is the Father of Jesus, the Lord of the Church.

As I argued in the previous chapter, Assmann's use of cultural memory also reframes the Bible as something other than a source for historical information about what lies behind the text. Like Childs, Assmann asks historical questions, but only as a way to bring into sharper focus the final form of the text, which is the true locus of inquiry, because it is a testimony to the cultural memory of Israel: what was remembered, why it was remembered, and by whom it was remembered. To this point, the discussion has only focussed on Childs and Assmann individually. In the next chapter, however, I will bring them side-by-side to compare them with one another. This exercise will enable a consideration of ways that Childs's theological interpretation and Assmann's mnemohistorical interpretation can help creatively reframe the present discussion surrounding the book of Deuteronomy as a whole and Deuteronomy 4 in particular.

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4. Brevard Childs and Jan Assmann: A Conversation Worth Having

How does the current debate among scholars of the Pentateuch's composition relate to other subfields within biblical studies? In a global academy marked by hyperspecialization and mutually incomprehensible discourses, this question is salutary. Specialists in the Pentateuch do well to ask whether a new theory, or even a new method, adds something meaningful to the field of biblical criticism as a whole. By relating data points to each other in new ways, does a new theory cause us to see some larger issue more clearly or for the first time, or has the rearrangement of these data points become an end in itself, which is to say, a dead end?[229]

4.1. Introduction

To this point, I have addressed the theoretical frameworks of Jan Assmann and Brevard Childs. Admittedly, the possibility for fruitful discussion on the basis of these two scholars may not be self-evident, but in this chapter I will argue that the points of continuity between these scholars are, in fact, meaningful and conducive to helping one think creatively regarding the paraenesis of Deut 4:1–40.

I will not argue that an interpretive framework based on these scholars's insights is in some way the key to interpreting all biblical texts, or even all Old Testament narrative texts. Instead, when faced with the challenges of interpreting a given text, it is often helpful to think creatively and approach the interpretive task in more than one way. In the case of Deuteronomy, I will argue in Part II that the categories of canon and cultural memory support a reading of the text that is both different from many of the modern readings and results in meaningful insights regarding the nature of covenant making/keeping, especially for communities of faith. At the same time, such an approach may help answer some of

229 Benjamin D. Sommer, "Introduction," in *The Formation of the Pentateuch: Bridging the Academic Cultures of Europe, Israel, and North America* (FAT 111; ed. by Jan C. Gertz et al.; Tübingen: Mohr Siebeck, 2016), 1,087.

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the nagging questions regarding the function of this chapter within the Pentateuch, Deuteronomy, and even the Deuteronomistic History (Dtr^G).

The present chapter will consist of two parts. First, I will place exegetical work by Childs and Assmann side-by-side in order to observe their distinctive approaches in practice. The arena for this comparison is the Passover text of Exod 12:1–13:16, which both scholars have addressed. Secondly, points of continuity and discontinuity between Assmann and Childs will be taken up, with special attention given to how the differences between their approaches can be seen to complement one another, rather than evidence two mutually exclusive projects.

4.2. Reading the Exodus Passover with Assmann and Childs

In my effort to bring these two scholars into close dialogue with one another, it will be helpful to observe how they bring their distinct interests to bear on a common text. Fortunately, Childs's *Exodus* and Assmann's *Exodus: Die Revolution der Alten Welt* will allow me to do just this, for both directly deal with the Passover feast in the context of the flight from Egypt.

This point of contact in their research is helpful for an additional reason. The Passover narrative itself is close in style to Deut 4:1–40, which I will address in Chapters 5 and 6. Both texts are closer in style to narrative than law, and as neither Childs nor Assmann have written extensively on Deuteronomy, this key similarity in literary genre will enable me to consider how their canonical and mnemohistorical approaches to the text operate on such a genre. Moreover, both texts have been the subject of important source-critical investigations. Childs's treatment of these source-critical discussions will be instructive as it will demonstrate how he allows these historical concerns to bring the received form into sharper focus. Both texts are also important with regard to the cultural memory of Israel; the Exodus and giving of the law at Horeb/Sinai were both enshrined into the cultural memory of Israel through the festivals associated with them, namely the Passover (Exod 12:1–13:16, Num 9:1–14, Deut 16:1–8, Ezra 6:20–21, and 2 Chron 35:1–19) and Shavuot (Exod 23:16, Num 28:26, and Deut 16:16). With such deep roots in the cultural memory of Jews (both ancient and modern), Assmann's treatment of the Passover narrative will be instructive for the later discussion of the theophany at Horeb presented in Deuteronomy 4. As I will argue, there are helpful and meaningful points of contact between the canonical approach of Childs and the mnemohistorical approach of Assmann. These points of contact, as well as their points of divergence will be discussed after their individual treatments of the Passover narrative are addressed.

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4.2.1. Childs's Canonical Approach: A Case Study

It is one thing to develop a coherent model of interpretation, but it is an altogether different thing to go through the stages of interpretation. As Childs writes, "Whether or not the exegesis is successful cannot be judged on its theory of interpretation, but on the actual interpretation itself."[230] One of the key questions to consider is whether Childs's proposals are actualised in his exegetical work. To this end, I now turn to his treatment of the Passover narrative (Exod 12:1–13:16) in his *Exodus* commentary.[231]

Childs's *Exodus* was the fulfilment of a long-standing promise, and whatever faults it might have, it broke new ground both in its approach and in its methodology.[232] As early as 1964, a full decade before *Exodus* was published, Childs recognises the need in the genre of biblical commentary to move beyond the description of diachronic issues within the text to an approach that incorporates both historical and theological concerns.[233] Although he identifies several contemporary attempts – mostly in the German speaking world – in this direction, he finds them less than satisfactory. For example, in the English speaking world, Childs is gravely concerned by the *Interpreter's Bible*, whose format "distinguishes between the descriptive task of exegesis and the homiletical task of exposition."[234] Such a division of labour "dissolve[s] all inner coherence between the two sections," thus portraying the task of biblical exegesis as two separate tasks that have little or no effect on each other.[235] Childs notes that within the German speaking world the series *Biblischer Kommentar*, which has form-critical concerns as its distinctive, has many volumes that have an additional section called *Ziel* that seeks to move beyond descriptive exegesis.[236] However, Childs is worried that there is such a varied approach to this section – some authors decide

230 Brevard S. Childs, *The Book of Exodus, A Critical, Theological Commentary* (OTL; Bloomsbury: SCM, 1974), xiii.

231 This passage is addressed in chapter eight of his *Exodus.* Idem, *Exodus*, 178–214.

232 Brevard S. Childs, "Interpretation in Faith: The Theological Responsibility of an Old Testament Commentary," *Int* 18 (1964): 432–249. The promise was even more clearly given in idem, *Biblical Theology in Crisis* (Philadelphia: Westminster, 1970), 209–210.

233 Childs, "Interpretation in Faith." Childs later reflects on this commentary noting that when he was "preparing a study on the book of Exodus during the late 1960s and early 1970s, the reasons for writing a commentary were entirely obvious. There had been no technical commentary on the book in English for over fifty years. In Germany, largely from fortuitous circumstances, a similar lacuna existed. In addition, the new insights of critical research, especially in terms of form criticism, history of interpretation, and theology, had not been adequately applied to this book." Idem, *Isaiah: A Commentary* (OTL; Louisville: Westminster John Knox, 2001), xi.

234 Childs, "Interpretation in Faith," 434.

235 Ibid.

236 This is less true today than when Childs wrote his article for *Interpretation* in 1964.

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to leave it out entirely[237] – that the contributors lack certainty in how they might constructively move beyond descriptive exegesis.[238] It is this acknowledgment of the need for an adequate critical commentary for the church – a commentary that critically deals with the biblical text from within the context of a believing community – and Childs's desire to meet that need within the English speaking world that frames the context for understanding *Exodus.* As Childs states in his introduction,

> "The author does not share the hermeneutical position of those who suggest that biblical exegesis is an objective, descriptive enterprise, controlled solely by scientific criticism, to which the Christian theologian can at best add a few homiletical reflections for piety's sake."[239]

There was, therefore, a need for something else.

In order to meet this need, Childs devises a structure for his commentary with six levels of inquiry. These six sections come after an extensive bibliography and original translation, and they consist of Textual and Philological Notes; Literary, Form, and Traditio-Historical Problems; Old Testament Context; New Testament Context; History of Exegesis; and Theological Reflection in the Context of the Canon. Not all of these sections appear in every chapter, but the aim behind the effort is clear. Childs is transparent in his affirmation of the value and need of historical-critical exegesis, but he questions the church's ability to offer any comprehensive biblical exegesis from within the believing community, as he writes two years before the publication of *Exodus:*

> [W]e modern Christians have learned all too well how to read the Bible as a secular book. We have become highly skilled in studying its history and traditions, tracing its growth and redactions, and contrasting its various concepts. Yet we now find that we have difficulty hearing in it the Word of God, of being nourished on it as the bread of life, of being revived and quickened by its Gospel. We are uncertain as to what it means to understand the Bible as Sacred Scripture of the church – to stand within its tradition rather than "outside the camp." This is my concern. How does one read the Bible from within, read it as the Scripture of the church?[240]

237 Childs notes that Gillis Gerleman, in a single volume, struggles with exactly how to use the section *Ziel* with regard to Ruth, and then abandons this section entirely with regard to Song of Songs; Gillis Gerleman, *Ruth* (BKAT XVIII/1; Neukirchen-Vluyn: Neukirchener Verlag, 1960); idem, *Das Hohelied* (BKAT XVIII/2; Neukirchen-Vluyn: Neukirchener Verlag, 1965). It is worth noting that Perlitt and Rüterswörden do not include this section in their BKAT volumes at all. Lothar Perlitt, *Deuteronomium 1–6* (BKAT V/1; Neukirchen-Vluyn: Neukirchener Verlag, 1990–2013); and Udo Rüterswörden, *Deuteronomium* (BKAT V/3; Neukirchen-Vluyn: Neukirchener Verlag, 2011).

238 Childs, "Interpretation in Faith," 434–435.

239 Childs, *Exodus*, xiii.

240 Idem, "The Old Testament as Scripture of the Church," 711.

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Childs's goal with *Exodus* is to provide such a reading. However, Childs's *Exodus* has been met with mixed reviews. For example, John Gammie, while raising valid concerns, sums up his impressions by stating, "This work will rightly come to be regarded as a milestone in twentieth century OT scholarship for its masterly form criticism, its fascinating and always instructive exegetical surveys and its deep theological commitment."[241] Lipiński, on the other hand, can find nothing to say after his lengthy critique of Childs's insufficient historical work except that "Dr. Childs's commentary will certainly give great satisfaction to the readers who share his hermeneutic position."[242] Lipiński continues by stating, "Other students of the Bible will find in it an extensive bibliography and an extremely useful survey of source-critical and traditio-historical studies on the Book of Exodus together with the author's very sound and lucid criticism."[243] This second comment, which seems *prima facie* to be a commendation of Childs – in addition to Lipiński's general disinterest in Childs's theological agenda – points up, instead, the reviewer's belief in a discontinuity between Childs's work as a critic and his work as an exegete. In other words, historically interested students will appreciate Childs's survey of relevant scholarly debates, while theologically interested students will appreciate Childs once he begins to comment on the subject matter of the text. Lipiński's point has some foundation, for in the case of Childs's treatment of the Passover, he does at first appear to divorce his work as a historical critic from his work as an interpreter of the Scriptures.

Furthermore, not all of the six distinct sections within *Exodus* were deemed by reviewers to be successful. James Sanders comments of the section Textual Critical Notes, "Childs is not a text critic; some of his observations in the text-critical notes are of unsound method."[244] Similarly, Lipiński and Sakenfeld take issue with the way they perceive Childs to miss opportunities to make connections to the world behind the text.[245] Sakenfeld is especially sharp in her

241 John G. Gammie, Review of Brevard S. Childs, *The Book of Exodus, A Critical, Theological Commentary*, *CBQ* 37 (1975), 562. James Wharton notably called *Exodus* a "splendid failure," noting that "if one asks whether it answers its own great question about the church's access to its Old Testament Scriptures, then one must probably judge it a 'failure;' but a *splendid* failure in its magnificent and practical summons to common theological effort on behalf of the Christian community of faith." Idem, "Splendid Failure or Flawed Success?" *Int* 29 (1975): 266–276, quote from 276 (emphasis original).

242 E. Lipiński, Review of Brevard S. Childs, *The Book of Exodus, A Critical, Theological Commentary*, *VT* 26 (1976), 383. McCarthy notes that Lipiński "ignores [Childs's] theology, which I suspect was his chief interest, for textual details and the like." Dennis J. McCarthy, "Exod 3:14: History, Philology and Theology," *CBQ* 40 (1978), 311.

243 Lipiński, Review, 383.

244 James A. Sanders, Review of Brevard S. Childs, *The Book of Exodus, A Critical, Theological Commentary*, *JBL* 95 (1976), 290.

245 Lipiński, Review, 381–382; Katherine D. Sakenfeld, Review of Brevard S. Childs, *The Book of Exodus, A Critical, Theological Commentary*, *ThTo* 31 (1974), 276. It is interesting to note

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critique of Childs when she states that "the consistent refusal to deal with any context of known ancient history leaves the reader with the impression that it makes little or no difference whether any of the events took place at all."[246] She continues,

> While Childs eliminates historical concerns from his commentary as not those of the Exodus narrator, he retains extensive form-critical, tradition-historical, and even source-critical study. These were not the direct province of the ancient narrator either, but in Childs' view they may contribute to the understanding of the narrator's intent in the received text, whereas, by implication, the usual historical questions and answers do not.[247]

Thus, it becomes clear that Childs has not been perceived as entirely – or equally – successful in his sections, but this is perhaps inevitable given the limits of any single scholar's abilities, and should not be seen as a significant stain on the book. What may possibly remain as a stain upon the legacy of *Exodus* is the perceived gap, noted by Sakenfeld, between Childs's historical work and his theological work. However, in this section it will be argued that this separation is only perceived. In reality, Childs's theological work (i. e., where his exegesis ends) is in fact connected – though indirectly – to his historical work (i. e., where his exegesis begins).

Childs opens his chapter on the Passover narrative, as described above, with a bibliography and an original translation of Exod 12:1–13:16. He then moves to his first major section in which he addresses textual and philological issues. Although this is one of Childs's "major" sections within the chapter, there is no new or ground-breaking research. Sanders's and Lipiński's critiques are particularly relevant at this point, as Childs at no point deviates from the MT.[248] His textual

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the words of Childs, written ten years earlier, which seem to anticipate these critiques. "It is unfair," writes Childs, "to judge the success or failure of a commentary on the basis of categories which are foreign to the purpose of the author." Childs, "Interpretation in Faith," 432. Yet as limited critiques, Sakenfeld may be correct.

246 Sakenfeld, Review, 276.

247 Ibid. At this point, however, Sakenfeld seems to go too far by offering a valid concern with no regard for Childs's own concerns.

248 Lipiński is especially sharp in his critique of Childs's preference for the MT. After wrongly contending that Childs never utilises the SP, he states that "On the whole, one gets the impression that the Leningrad MS. B 19 A is regarded by the author as if it was nearly the canonical text of the Bible. Therefore, it is not clear to the reviewer whether Dr. Childs's translation means to reflect the significance of the text in an early stage of the tradition or rather the Jewish or Karaite understanding of the Bible in the Middle Ages, especially among the Masoretes of Tiberias. Though their work is certainly based on a traditional reading of the Bible, one should bear in mind that there existed other traditions. Apparently, however, the author would seem to have no definite idea about these questions." Lipiński, Review, 379. Such statements makes one wonder whether Lipiński understands Childs's view of canon and, therefore, Childs's reasons for favouring the MT. Moreover, one need only look

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criticism on these verses is instead to support the text of the MT and to show where other witnesses vary at significant points.

In the second major section of the chapter, "Literary, Form-Critical, and Traditio-Historical Problems," Childs offers a helpful overview of relevant discussions within scholarship. He recognises that the Passover narrative evidences a complex historical background supporting the need for historical enquiry, which he himself attempts to do. He even speaks with a level of certainty regarding the literary layers, assigning them to J, D, and P where appropriate. Indeed, those who continue to claim that Childs is uninterested in critical methods need only look at his fierce critique of Judah Segal's frustrated and sceptical rejection of historical criticism.[249]

However, rather than move to exegesis upon the basis of hope in such an historical reconstruction, Childs confesses a lack of confidence in the ability for these reconstructions to answer questions about internal tensions. Speaking of the apparent tension within the J source between the plague narrative and the Passover narrative, he writes, "In my opinion the problem cannot be solved on the literary level, but reflects a history of tradition which retains some inconsistencies."[250] He later writes,

> In sum, although it seems increasingly clear that both the Passover and *maṣṣôṯ* traditions stemmed from pre-Israelite cultic practices and were later adapted by Israel for her own needs the process by which this historicization took place is not evident. Nor is the dating of the various stages at all settled. In my judgment, it is not likely that the Passover material could have been transmitted for a long period within Israel in a non-historicized form. Recourse to a theoretical reconstruction of the historical process can hardly be avoided because of the nature of the material, but caution is in order lest too much certainty is claimed which the evidence does not support. *Of course it remains part of the larger hermeneutical problem to decide to what extent an interpretation of the present form of the Exodus text is dependent on such historical reconstructions.*[251]

In response to this hermeneutical problem it is important to note what Childs does next. Rather than give up historical questions and move immediately into

at Childs's textual note on Exod 20:17 to see that Lipiński is not correct in stating that Childs never refers to the SP. For Childs's own discussion of the purposes of textual criticism and reasons for focussing his attention on the received form of the text, see his *Introduction to the Old Testament as Scripture* (London: SCM, 1979), 103–106; and *New Testament as Canon: An Introduction* (London: SCM, 1984), 518–530.

249 Childs, *Exodus*, 185–186. See Judah B. Segal, *The Hebrew Passover: From the Earliest Times to A.D. 70* (Oxford: Oxford, 1963).

250 Childs, *Exodus*, 185. This apparent tension is noted by Georg Fohrer, *Überlieferung und Geschichte des Exodus: eine Analyse von Ex 1–15* (BZAW 91; Berlin: Alfred Töpelmann, 1964), 82–97; Rudolf Smend, *Die Erzählung des Hexateuch* (Berlin: Georg Reimer, 1912), 131–135; and Otto Eissfeldt, *Hexateuch-Synopse* (Leipzig: J.C. Hinrichs, 1922), 34–35.

251 Childs, *Exodus*, 187, (emphasis added).

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exegesis, Childs entertains discussion of comparative religion, the relationship between the Passover tradition and other traditions, and the tradition of the first born. He concludes that, historically speaking, there is a sharp disconnection between the Passover narrative and the previous plague narrative. The exact features of this history are beyond the scope of my study here, but Childs argues strongly for an historical distinction between these accounts.

This historical wedge between the plague narrative and the Passover narrative becomes the hinge upon which Childs's argument ultimately turns towards the received form of the text. Childs does not "resort" to the received form out of convenience or frustration, as his discussion to this point and the confidence with which he argues for redactional layers of tradition show; instead, he turns to the received form because the textual history brings it into "sharper focus," a concept that is central to Childs's exegetical process, though he does not use the phrase often enough to make it plain to the casual reader.

To make the point, note what Childs says of the Decalogue: "If one assumes, as I do, that the major purpose of biblical exegesis is the interpretation of the final form of the text, *the study of the earlier dimensions of historical development should serve to bring the final stage of redaction into sharper focus.*"[252] Childs means that the fact that certain difficulties remain, or that evidence of growth exists within the text, serves to bring into sharper focus, rather than call into question, the significance of the final form to the believing community.[253] For example, internal tensions which were allowed to remain in the final form point up the places in which theological richness was more favourable to the canon-

252 Childs, *Exodus*, 393 (emphasis added).

253 Significantly, Eckart Otto has argued a very similar point for a "diachronically reflected synchrony to understand the text that we have." Idem, "Diachrony and Synchrony in the Book of Deuteronomy: How to Relate Them" (paper presented at the Annual Meeting of the European Association of Biblical Studies, Helsinki, Finland, July 31, 2018). See also his treatment in "Tora für eine neue Generation in Dtn. 4: Die hermeneutische Theologie des Numeruswechsels in Deuteronomium 4,1–40," in *Deuteronomium – Tora für eine neue Generation* (BZAR 17; ed. by Georg Fischer et al.; Wiesbaden: Harrassowitz, 2011): 105–122. One attempt at this interpretive approach can be seen in his Deuteronomy commentary in which Otto distinguishes *Erzählzeit* and *erzählter Zeit* (narrative time and narrated time). In strict literary terms, narrative time and narrated time refers more to the amount of time required to read a literary description of an event versus the time that the event would have required in real time. An extreme example of this is Laurence Sterne, *The Life and Opinions of Tristram Shandy, Gentleman.* (9 vols.; York and London, 1760–1767). Otto, on the other hand, uses these terms in order to speak of the world within the text (the narrated time) versus the world behind the text (the narrative time). Dominik Markl previously argued that this approach may lead to overinterpretation, but has recently been convinced of its merits. Compare, for example, his Review of Eckart Otto, *Deuteronomium 1–11*, *Biblica* 96 (2015), 121–122; and his "The Decalogue and Deuteronomistic Deuteronomy," review of Eckart Otto, *Deuteronomium 1–11*. Volume 2. *Zeitschrift für Altorientalische und Biblische Rechtsgeschichte* 25 (2019): 299–304.

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isation community than perfectly coherent texts. In other words, attempts at historical reconstruction have no further impact on his later exegetical work except to highlight the theological concerns of the received form. In the case of the Passover and plague narrative he writes, "If for no other reason – and there are many important theological reasons in addition – the fact that the final redaction offers one of the first interpretations of the material justifies its close study."[254] Childs has not abandoned the use of historical criticism, nor does he claim that the history behind the text has no bearing on how the interpreter is to engage in exegesis. Instead, Childs finds resolution to the problems not by ignoring the historical questions, but by employing the complex textual history of these traditions to bring into sharper focus the literary and theological value of the received form. In the case of the Passover tradition, Childs argues that the tensions within the text crystallise the fact that the final redacted form acts as an early interpretation of the various material. The Passover narrative acts, in its canonical location, to interpret the plague narrative, and *vice versa*.

From this point, Childs moves on with his work of exegesis, and similar tensions exist between the descriptive and prescriptive texts of the Passover narrative.[255] The issue becomes apparent through Childs's outline of the passage: Exod 12:1–20 contains instructions to Moses by YHWH about the Passover, 12:21–28 contains the instruction to Israel by Moses, 12:29–42 describes the actual event of the Passover night, 12:43–50 contais further instructions about the Passover and concludes with a statement about Israel's total obedience, and finally 13:1–16 presents further instructions by YHWH that are highly parallel to those already presented in 12:1–20. "Why the present structure?" he asks. Why did the redactors and editors of this passage not organise and arrange the Passover narrative into a more coherent whole? Why, for example, is there such a sharp separation in the text between the stipulations of 12:1–28, which focus on the first Passover, and the stipulation of 12:43–13:16, which focusses on all future Passovers? Between these extended sections of instruction sits the account of the first Passover night. Childs recognises that the explanation could simply be a

254 Childs, *Exodus*, 195–196.

255 Cornelis Houtman notes that, "Indisputable is that Exod. 12–13 contains material of greatly variant character. Alongside narrative are found precepts imbedded into the narrative, and exhortations associated with the precepts." In his *Exodus* (vol. 2; HCOT; Kampen: KOK, 1996), 148. William Propp similarly notes, "To produce 12:1–13:16, the editor had to combine two accounts of the departure from Egypt, as well as two bodies of legislation, each treating *Pesaḥ*, the Festival of Unleavened Bread and the Consecration of the Firstborn. Evidently, redundancy in law was tolerable. But it was hard to pile narrative atop narrative without obscuring the plot;" see his *Exodus 1–18* (AB 2 A; New York: Doubleday, 1998), 380. As I will argue below, Childs does not find the narrative to be obscured, but rather finds that the current form creates a dialectic between the commands and the actions.

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"hesitation to disturb the pattern,"[256] but in the end, concludes that the structure of the Passover narrative provides the key to its interpretation. He writes,

> There are some broader implications for understanding the passover pericope which arise from our literary analysis of the final form of the present text. If an expositor takes seriously the final redaction, he can recognize an important biblical testimony to the relationship between word and event in the redactor's manner of linking commands to narrative material. The biblical writer brackets the Exodus event with a preceding and succeeding interpretation. He does not see the exodus as an "act of God" distinct from the "word of God" which explains it.[257]

In this sense, "the event is never uninterpreted."[258] The relationship between the instruction (12:1–28) and the Passover event (12:29–42) is one of event and interpretation. There can be no separation between the "word of God" and the "act of God." Instead, they function within the received form to interpret one another.

Likewise, there is a theological complexity to the relationship between the Passover of "memory" (12:1–42) and the Passover of "hope" (13:1–16).[259] Childs turns to this relationship next and notes that the dialectic apparent in the received form points to the need for future Passover rites. In other words, "Israel remains a people who has been redeemed, but who still awaits its [*sic*] redemption."[260]

Childs next turns to the history of exegesis, where he quickly moves through the Passover's interpretation in Judaism; the early church; the church fathers, schoolmen, and reformers; and the post-reformers and modern interpreters. Unlike Assmann below, although he notes the progression of the Passover's ritual *form*, Childs devotes very little space to developing the Passover's ritual *significance* for Jews except to note that every expression of Judaism "exhibited an intense interest in the passover."[261] Childs no doubt understands the ritual significance of the Passover for Israel and Judaism, but his personal interests lie with a Christian theology for the church. And so, Childs turns to Christian interpretation of the Passover and, beginning with the early church, notes a growing tension within Christian interpretation between the redemption of Israel from Egypt and the redemption of the church at Calvary. According to Childs, "Judaism had developed a clear tradition on how the ancient passover rite was to be actualized for every new generation of Jews. But for the church this direct, unbroken identification of deliverance was no longer possible."[262] The church re-

256 Childs, *Exodus*, 202.
257 Childs, *Exodus*, 204.
258 Ibid.
259 Childs, *Exodus*, 205.
260 Ibid.
261 Childs, *Exodus*, 207.
262 Childs, *Exodus*, 212–213.

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evaluated the Passover tradition in light of the later redemption brought about through Christ, the one who fulfils the law. Under these terms and in continuity with his reformed tradition, Childs affirms that "understanding the Old Testament passover traditions in the light of the New Testament is to affirm the hope of Israel in so far as it foreshadowed God's true redemption."[263]

Childs further notes the other side of the dialectical relationship between Old Testament Passover and New Testament Last Supper.[264] The Passover informs one's understanding of Calvary in several ways.[265] First, "the ceremony of the Passover testifies to the redemptive nature of God's dealings with Israel."[266] And secondly, the Passover reminds Christians of the hope they have in Christ. The parallelism between Passover and Calvary is very strong for Childs at this point; both events speak to the importance of looking back and looking forward.

This example demonstrates how Childs's theory of a canonical approach to the text plays out. Critical scholarship reveals layers within the biblical text, and Childs employs this complex compositional history to support his reading of the received form rather than allow these layers to undermine it. The received form, therefore, is not only Scripture for the community of faith but is also the most theologically rich form of the text.[267] Childs's exegesis does not proceed from a

263 Childs, *Exodus*, 213.

264 Childs only mentions the Last Supper once in *Exodus*, and it is in a vague reference to "the New Testament debate on [its] nature." Childs, *Exodus*, 208. In his section called "Theological Reflection on the Passover," which is the equivalent of two pages, he is interested more in the referent ("redemption" occurs 9 times, "redeemed" occurs 2 times, and "deliverance" occurs 5 times) than in the New Testament sign of the Last Supper or in Calvary. This division is troublesome especially as it is unclear from Exodus what Childs envisages as the New Testament sign that acts as the counterpart for the Passover. A second concern from this portion of the commentary is the fact that Childs envisages a seperation between spiritual and physical redemption. He writes, "The New Testament's insistence that divine deliverance is a spiritual transformation does not abrogate the Old Testament witness that the physical is involved as well." Op. cit., 213–214.

265 Houtman offers an intelligent illustration of this dialectical interaction between Exodus and Calvary. He concludes that "The connecting link between OT and NT is the memorial act, the act of remembering: as Israel had to remember the exodus, so the Christian community is to remember the new acts of God in Jesus Christ." See his *Exodus*, 145–146, (quote from 146).

266 Childs, *Exodus*, 213.

267 See, for example, Childs's paper given to the 1977 congress of IOSOT at Göttingen where he addresses the relationship between the canonical process and the literary and redactional history of the text. In the case of the literary history, Childs argues that although non-religious factors were involved, they were "largely subordinated to the religious usage of the literature by a particular religious community for some authoritative role." Idem, "The Exegetical Significance of Canon for the Study of the Old Testament" in *Congress Volume: Göttingen 1977* (VTSupp 29; ed. by J.A. Emerton et al.; Leiden: E.J. Brill, 1978), 68. In the case of the redactional history, he argues again for focussing on the received form of the text since the redactors have attempted to "hide their own footprints in order to focus attention on the canonical text itself rather than the process;" ibid.

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clean break between historical and theological exegesis, but from a nuanced belief that historical research brings "the final stage of redaction into sharper focus."[268] Childs is also greatly influenced by the tradition of Christian interpretation without allowing this tradition to dictate his conclusions.[269]

I now turn to a case study of the mnemohistorical approach to interpreting the Passover narrative by Jan Assmann.

4.2.2. Assmann's Mnemohistorical Approach: A Case Study

Jan Assmann's treatment of the Passover in his recent work *Exodus: Die Revolution der Alten Welt*, though short when compared to Childs's own, is rich nonetheless.[270] Assmann has already written a great deal on the Exodus; indeed, nearly all of his interdisciplinary work has involved the Exodus tradition to one degree or another. The obvious reason for this is Assmann's training and experience as an Egyptologist combined with his interests in culture and monotheism. Thus, in terms of biblical investigations, the book of Exodus has been his main focus. *Exodus* also represents Assmann's most prolonged engagement with the biblical text – the book itself approaches 500 pages. Assmann's expressed aim for the book is to offer his audience a resonant reading (*resonante Lektüre*) of Exodus.[271] In so doing, Assmann addresses many issues that he has previously addressed elsewhere, but with more clarity and precision. He also ventures into new territory such as the ongoing importance of Israel's cultural memory. Important for the discussion here is Assmann's treatment of the Passover, to which I now turn.

Assmann's understanding of the biblical canon as cultural memory is predicated on the recognition of growth and development of tradition, so one should not be surprised to see him ascribe a late date to the Exodus material. In fact, Assmann does not believe that any major portions of Exodus received its final form until after the exilic period. Rather, he thinks that "the refoundation of Temple, city, and 'Israel' as a religious, ethnic, and political (albeit substate) identity was what first provided the impetus for a comprehensive project an-

268 Childs, *Exodus*, 393.

269 For example, Childs is eager to find common ground for cooperative praise between Jews and Christians on the basis of God's acts of redemption in the lives of Israel and the Church. Childs, *Exodus*, 214.

270 As a translation has been published, quotes will be taken from the English whenever possible. Jan Assmann, *The Invention of Religion: Faith and Covenant in the Book of Exodus* (trans. by Robert Savage; Princeton: Princeton, 2018); trans. of *Exodus: Die Revolution der Alten Welt*; München: C.H. Beck, 2015.

271 Assmann, *The Invention of Religion*, xvi; and idem, *Exodus*, 15.

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choring the history of the people in a cosmology."[272] The final form of Exodus depended upon the proper external stimuli (see the extended discussion of Assmann's view of canonisation in 2.3.3. and 2.3.4.), stimuli which, in his judgment, were not present until the post-exilic period. The effect of this timing is important for the discussion of the Passover: the post-exilic rise of a supposedly more religiously mature Israel becomes an appropriate setting for the completion of the Passover's development in this chronology.

Whereas Childs's treatment of the tenth plague and the Passover Seder in Exod 12:1–13:16 is explicitly theological in nature, Assmann focusses on the memorial and ritual aspects of the Passover. After first addressing the text of Exodus, he turns to address the later liturgical codification of the Seder meal in the Haggadah. However, despite this difference of focus, Childs and Assmann share much in their concerns about interacting with the received form of the text and framing their discussions away from conventional historical-critical priorities, preferring instead to discuss the relevance of the Seder for later generations. Assmann begins his discussion of the Passover in a manner much like Childs. He starts by recognising a tension between the first nine plagues and the tenth. This tension comes down to the fact that "The first nine plagues almost all have an Egyptian complexion."[273] "The killing of the firstborn," on the other hand, "is a biblical theme."[274] Unlike Childs, however, who notes a tension between the previous plague narrative and the later Passover narrative on source-critical grounds, Assmann notes the same tension on thematic grounds.[275] This theme of the death of the firstborn, as he points out, can be seen in the offering of Isaac (Genesis 22), the demand for the firstborn as a gift to YHWH (Exod 22:28 [Heb.]), and the opportunity for the redemption of the firstborn son with a lamb (Exod 13:13 and 34:20) as well as through the tribe of Levi (Num 8:5–19).[276] All of this indicates that "the sacrifice of the firstborn was mulled over almost obsessively in the biblical and Phoenician-Punic imagination, whereas it played no role whatsoever in Egypt."[277] Indeed, even Israel is depicted as the firstborn son of YHWH (Exod 4:22; Isa 63:16, 64:8; and Hos 11:1).[278] Thus, there is a tension between the first nine plagues and the tenth. The first nine are thematically associated with

272 Assmann, *The Invention of Religion*, 57–58.
273 Assmann, *The Invention of Religion*, 161.
274 Ibid. Similarly, Carol Meyers writes, "The character of the narrative changes radically. Gone is the preoccupation with the Egyptians." In her *Exodus* (NCBC; Cambridge: Cambridge, 2005), 94.
275 So also Houtman notes that, "This time the focus of the instructions is not Pharaoh but Israel. From now on the concern of Moses and Aaron will be Israel;" idem, *Exodus*, 141.
276 Assmann, *The Invention of Religion*, 161–162.
277 Assmann, *The Invention of Religion*, 162.
278 Ibid.

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Egypt, but the tenth is clearly associated with a distinctively biblical theme of the first born.

Assmann next turns to the reason for this tension between the first nine plagues and the tenth. He writes,

> Between the ninth and tenth plagues, YHWH intervenes for the first time in a way that relates to the institution of an eternal order rather than serving merely to advance the plot. Here, long before all the statutes that will place the entire life of the community on an atemporal normative footing are revealed, an initial structuring framework is established in the dimension of time. The month of departure is fixed on the first month of the year, while the night of departure is fixed on the fourteenth of that month.[279]

And so, the Israelite calendar becomes rearranged and represents an *Eingriff in die natürliche Zeitordnung* (break in the natural ordering of time), which is unparalleled in either Christianity or Islam.[280] This act, says Assmann is "a fundamental act of emancipation, sovereignty, and autonomy on Israel's part, announcing its intention to segregate itself from the institutions of its surroundings and its own past to stand on its own two feet."[281] The tenth plague, therefore, has a Jewish flavour not only because of the theme of the firstborn son, but also because of its connection to the Jewish calendar and Israel's identity.

Additionally, Assmann points to the establishment of three memorial celebrations (*Gedächtnisfeier*) in Exodus 12–13, which are directly associated with the tenth plague. These rites are: 1) the Passover night with its slaughtering of a lamb, marking the doorposts with its blood, and eating its flesh in a prescribed manner; 2) the eating of unleavened bread on the seventh day; and 3) the redemption of the firstborn of Israel.[282] These three rites form one festival that is an *Erinnerungszeichen* (memorial).[283] Significantly, Exod 13:9 and 16 are both explicit about the memorialisation of this festival; the ritual is to be as signs on Israelites's hands and marks on their foreheads. These gestures are "memorials

279 Ibid.

280 Assmann, *Exodus*, 203–204. The English translation takes this phrase to be, "intervention in the natural temporal order;" idem, *The Invention of Religion*, 163. Houtman, *Exodus,* 167–168 helps explain to what Assmann is referring, namely a calendar that begins in the spring rather than the autumn. However, the BC/AD distinction in Christianity and Muhammad's journey to Medina in Islam may be counter arguments. For a recent discussion of issues of dating, see R.W.L. Moberly, *The Bible in a Disenchanted Age: The Enduring Possibility of Christian Faith* (Grand Rapids: Baker, 2018), 74–77.

281 Assmann, *The Invention of Religion.*

282 Assmann, *The Invention of Religion*, 165; and idem, *Exodus*, 205. According to him, not only do these rites serve an etiological purpose, but they are clearly later insertions by priestly and post-priestly writers.

283 Assmann, *Exodus*, 205. On a single page, the English translator takes this term at one point to be "memorial" and at another to be "commemorative sign;" idem, *The Invention of Religion*, 163.

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that serve to remind the wearer of this founding night throughout all generations."[284] The ritual continues to have strong family connection. As Assmann points out, "Passover is celebrated in the family and at home, not in the temple or synagogue, since the Israelites spend this night in their homes while YHWH's 'destroyer' (*mašḥît*) stalked the houses of the Egyptians."[285] This fact is significant for the continuation of such a ritual as it allowed the perpetuation of this *Erinnerungsmahl* (meal of remembrance) even in exile and Diaspora.

This meal is not merely an *Erinnerungsmahl*, but also an act of obedience to the command to teach the future generations about the Exodus event. According to Assmann, the Passover meal "is the ritual and liturgical execution of the commandment, 'thou shalt teach it to thy sons, and thy sons' sons.'"[286] And yet, this rite is not merely an intellectual exercise, but rather "seeks to engage the mind as well as the emotions and the body."[287] In other words, "The story must be narrated in first person."[288] The significance of the Exodus is not merely for previous generations, but is alive and ongoing. The answer to the question, "What does this mean?" is given in the first person, "[Because] the Lord brought us out of Egypt" (Exod 13:14). This notion of the first person deliverance from Egypt enables every Jew to identify with the Exodus generation: "Egypt" and "Pharaoh" become universal terms for oppression and suffering for Jews wherever it is found.[289]

Assmann next argues that the Passover ritual becomes for Israel a *liturgisches Gedächtnisses* (liturgical memory): "the Seder teaches identity through identification (Identität durch Identifikation)."[290] By participating in the Passover feast, each generation identifies with the Israel of the Exodus; this act teaches each later generation about its own identity.[291] This teaching, moreover, is

284 Assmann, *The Invention of Religion*, 165.

285 Assmann, *The Invention of Religion*, 166; and idem, *Exodus*, 207.

286 Ibid. This is remarkably similar to Yosef Hayim Yerushalmi's comment that "Memory flowed, above all, through two channels: ritual and recital." Idem, *Zakhor: Jewish History and Jewish Memory* (Seattle: Washington, 1996), 11.

287 Assmann, *The Invention of Religion*, 167.

288 Ibid. See also Irving Greenberg's excellent discussion of this aspect of the Seder meal in his *The Jewish Way: Living the Holidays* (New York: Touchstone, 1988), 48–57.

289 Assmann, *The Invention of Religion*, 167.

290 Ibid; and idem, *Exodus*, 208.

291 Houtman notes, "The people and following generations are to be instructed in the meaning of the customs rooted in the Exodus. Observance of the customs is to permanently focus every Israelite's mind on the deliverance wrought by YHWH, in order that they acknowledge YHWH and remain faithful to him. In the future, the past is to remain constitutive for the relationship to YHWH. The intended goal is that the later Israel feel itself one with the Israel of the Exodus and will re-live it as an event they were personally involved in." Houtman, *Exodus*, 143. Note also the Haggadah, "In every generation a person is required to see oneself as if he had gone out of Egypt." Joseph Tabory, *JPS Commentary on the Haggadah: Historical Introduction, Translation, and Commentary* (Philadelphia: JPS, 2008), 100.

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through conversation, not only through recitation, liturgy, or later through the written Haggadah. In order to illustrate this development in Israel, Assmann turns to the "Midrash of the Four Sons" within the Haggadah.[292] This account offers direct applications of the four different instructions contained within Torah to explain to one's children about the Exodus.

בָּרוּךְ הַמָּקוֹם, בָּרוּךְ הוּא. בָּרוּךְ שֶׁנָּתַן תּוֹרָה לְעַמּוֹ יִשְׂרָאֵל, בָּרוּךְ הוּא.
כְּנֶגֶד אַרְבָּעָה בָנִים דִּבְּרָה תוֹרָה. אֶחָד חָכָם, וְאֶחָד רָשָׁע, וְאֶחָד תָּם, וְאֶחָד שֶׁאֵינוֹ יוֹדֵעַ לִשְׁאוֹל.

Blessed is the Omnipresent, blessed be He. Blessed is He who gave the Torah to His people, Israel, blessed be He.
The Torah refers of four children: one – wise; one – wicked; one – simple; and one who does not know how to ask a question.

חָכָם מַה הוּא אוֹמֵר?
מָה הָעֵדוֹת וְהַחֻקִּים וְהַמִּשְׁפָּטִים אֲשֶׁר צִוָּה יי אֱלֹהֵינוּ אֶתְכֶם? וְאַף אַתָּה אֱמוֹר לוֹ כְּהִלְכוֹת הַפֶּסַח: אֵין מַפְטִירִין אַחַר הַפֶּסַח אֲפִיקוֹמָן:

What does the wise one say?
"What are the decrees, laws and rules that *Adonai* our Lord has enjoined upon you?"[293] And you should say to him, according to the laws of Passover [up to][294] "one may not indulge in revelry[295] after the paschal meal."

רָשָׁע מָה הוּא אוֹמֵר?
מָה הָעֲבוֹדָה הַזֹּאת לָכֶם? לָכֶם – וְלֹא לוֹ. וּלְפִי שֶׁהוֹצִיא אֶת עַצְמוֹ מִן הַכְּלָל – כָּפַר בְּעִקָּר. וְאַף אַתָּה הַקְהֵה אֶת
[296][שִׁ]נָּיו וְאֱמוֹר לוֹ: בַּעֲבוּר זֶה עָשָׂה יי לִי בְּצֵאתִי מִמִּצְרָיִם. לִי – וְלֹא לוֹ. אִלּוּ הָיָה שָׁם, לֹא הָיָה נִגְאָל.

What does the wicked one say?
"What does this rite mean to you?"[297] "To you" and not to him. And since he excluded himself from the community, he is a heretic. And you should blunt his teeth and say to him, "It is because of what *Adonai* did for me when I went free from Egypt;" "for me" and not for him – if he had been there he would not have been redeemed.

תָּם מָה הוּא אוֹמֵר?
מַה זֹּאת? וְאָמַרְתָּ אֵלָיו: בְּחֹזֶק יָד הוֹצִיאָנוּ יי מִמִּצְרַיִם, מִבֵּית עֲבָדִים.

What does the simple one say?
"What does this mean?" And you shall say to him: "It was with a mighty hand that *Adonai* brought us out from Egypt, the house of bondage."

וְשֶׁאֵינוֹ יוֹדֵעַ לִשְׁאוֹל – אַתְּ פְּתַח לוֹ, שֶׁנֶּאֱמַר: וְהִגַּדְתָּ לְבִנְךָ בַּיּוֹם הַהוּא לֵאמֹר, בַּעֲבוּר זֶה עָשָׂה יי לִי בְּצֵאתִי מִמִּצְרָיִם.

292 Tabory, *JPS Commentary on the Haggadah*, 86–87.
293 This child's question comes from Deut 6:20.
294 Yosef Marcus, ed. *Passover Haggadah: With Insights Adapted from the Teachings of the Lubavitcher Rebbe, Rabbi Menachem M. Schneerson* (trans. by Rabbi J. Immanuel Schochet; Brooklyn: Kehot Publication Society, 1999), 9.
295 Or, possibly "dessert;" ibid.
296 Marcus, *Passover Haggadah*, 9. Tabory, *JPS Commentary on the Haggadah*, 87 has שִׁנָּיו.
297 This child's question comes from Exod 12:26.

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> And to the one who does not know how to ask a question – you take the initiative, as it says: "And you shall explain to your son on that day, 'It is for this that *Adonai* did [these things] for me when I went free from Egypt.'"[298]

Each of these children receives a distinctive answer that explains the importance of the Seder. According to Assmann's assessment, the "Midrash of the Four Sons" is a "minidrama about memory, history, and identity."[299] And what stands out to Assmann in this portion of the Haggadah is the repetition of the first person personal pronouns. Indeed, the wicked son is critiqued precisely because of his refusal to identify with his people and to distance himself from Israel (מָה הָעֲבוֹדָה הַזֹּאת לָכֶם? לָכֶם – וְלֹא לוֹ.). This personal speech and identification with the Exodus event means that the retelling of the Exodus and the reenactment of the Seder is not simply about memory, but also about hope and encouragement.[300] This hope and encouragement culminates with the final prayer, "Next year in (rebuilt) Jerusalem!"[301]

For Assmann, the Exodus from Egypt and the Passover meal of Exod 12:1–13:16 become foundation myths, cultural memories that support a wider framework of tradition such as that found in the Haggadah. This cultural memory, for example, explains Israel's calendrical cycle. But much more than that, the Exodus and Passover help form the cultural identity of Israel as a people that has been brought out of slavery in order to have a relationship with YHWH. As Assmann incisively puts it, "the Seder teaches identity through identification."[302] Identifying with the Exodus through the *Erinnerungsmahl* of the Passover enables each generation to form its identity and participate in the wider community's cultural memory.

4.3. Points of Continuity

Now that Childs's and Assmann's respective treatments of the Passover narrative have been presented, I will turn to points of continuity between their approaches. Although they have different interests, there are at least three meaningful points of continuity between their approaches, which I address here. However, these points of contact are so intricately entwined within their respective systems of thought, that they cannot easily be unbound, so they must be dealt with collectively. First, I must note that essential for both Childs's and Assmann's frame-

298 Exod 13:8.
299 Assmann, *The Invention of Religion*, 170.
300 Ibid.
301 Tabory, *JPS Commentary on the Haggadah*, 122.
302 Assmann, *The Invention of Religion*, 167; and idem, *Exodus*, 208.

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works is the complex textual history lying behind the canonical text. Secondly, and equally essential for them, is their commitment to reading and interpreting the received form of the text; moreover, for both Childs and Assmann, these first two aspects are connected. Thirdly, I will address the role of the community of faith. For both, the community was involved in the canonisation process – including the editing and arranging of the texts within the canon – for the sake of future generations.

4.3.1. Brevard Childs: Historical Criticism, Canon, and Theology

Unlike Jan Assmann, Brevard Childs is firmly situated within biblical studies. And so, it should not surprise the reader to see him use standard categories from within that field. As I will attempt to show below, however, Assmann uses categories that are his own, developed with respected sociologist Aleida Assmann – she is also his wife – in the late 80's. However, I will argue for a great deal of continuity between them.

To begin, Assmann and Childs both recognise a history of textual development as well as the need for historical criticism. As discussed above, Childs was not only trained by some of the great historical critics of the twentieth century but also remained firmly committed to those historical projects.[303] From his Th.D. dissertation on myth in Genesis 1–11 to his death, Childs was committed to the need for historical study of the biblical text.[304]

This commitment to the historical investigation of the text is apparent as soon as one opens Childs's *Exodus*. In fact, roughly half of the book directly addresses historical-critical issues such as sources, redactional layers, and what history lies behind the text. Important to consider here is Childs's statements in his important article on the responsibilities of an Old Testament commentary, in which he spends a great deal of effort arguing for the need for commentators to go beyond the descriptive task, while at the same time implicitly defending the importance of such descriptive efforts.[305] For example, Childs writes that "many

303 Note, for example, Childs's sustained – if perhaps waning – awareness of present scholarship in both English and German speaking scholarship even in the last years of his life. Brevard S. Childs, "Critique of Recent Intertextual Canonical Interpretation," *ZAW* 115 (2003): 173–184; and idem, "The Canon in Recent Biblical Studies: Reflection on an Era," *ProEccl* 14 (2005): 26–45.

304 Brevard S. Childs, "Der Mythos als theologische Problem im Alten Testaments" (Th.D. diss., Basel, 1953); resubmitted as "A Study of Myth in Genesis I–XI" (Th.D. diss., Basel, 1955); revised and published as *Myth and Reality in the Old Testament* (SBT 27; London: SCM, 1960). One could also note Childs's explanation and defence of biblical criticism in "Jonah: A Study in Old Testament Hermeneutics," *SJT* 11 (1958): 53–55.

305 Childs, "Interpretation in Faith."

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theologians feel the need of going beyond the historian's task of describing Israel's faith, so as to employ the Old Testament witness in building a constructive theology."[306] Note that Childs is not interested in *abandoning* the historian's descriptive task, but in moving *beyond* this descriptive task.

How then does Childs make this move to the beyond, especially since he admits that this is precisely where the challenge lies?[307] Childs moves forward simply by asking what kind of text the Bible is. He does this because he recognises that one's attitude about the text affects one's approach to it, and one's approach to the text effects one's attitude about it. He writes,

> The majority of commentators understand the descriptive task as belonging largely to an objective discipline. One starts on neutral ground, without being committed to a theological position, and deals with textual, historical, and philological problems of the biblical sources before raising the theological issue. But, in point of fact, by defining the Bible as a "source" for objective research the nature of the content to be described has been already determined.[308]

In other words, by working from the assumption that the Bible is a source for historical investigation, the interpreter has already determined not only the nature of the biblical content, but also the types of questions that can be asked of the text. The main thrust of his argument in this article, which paved the way for *Exodus*, is to "suggest that the fundamental error lies in the starting point [of exegesis]. It is commonly assumed that the responsible exegete must start with the descriptive task and then establish a bridge to the theological problem. It is felt that the real problem lies with the second task."[309] Childs, however, contends that "the reverse is true. The basic issue revolves about the definition of the descriptive task. What is the content which is being described and what are the tools commensurate with this task?"[310]

For Childs, then, the exegetical task must begin with a description of the text being studied. Childs's determination to read the Bible as Scripture of the church necessarily impacts his approach. He still asks historical, descriptive questions, but he then moves beyond these questions because of its role as Scripture and his aim to do constructive theology rather than merely descriptive theology. This

306 Ibid., 433.

307 Indeed, the second quarter of this essay surveys the various attempts that have been made to move beyond the descriptive, historical task. For example, he discusses Zimmerli's Ezekiel commentaries, Kraus's commentary on the Psalms, and von Rad's Genesis commentary. Walther Zimmerli, *Ezekiel* (BKAT XIII/1–2; Neukirchen-Vluyn: Neukirchener Verlag, 1969); Hans-Joachim Kraus, *Psalmen* (BKAT XV/1+2; Neukirchen-Vluyn: Neukirchener Verlag, 1960); and Gerhard von Rad, *Genesis* (ATD 2–4; Götingen: Vandenhoek & Ruprecht, 1952–1958).

308 Childs, "Interpretation in Faith," 437.

309 Ibid.

310 Ibid.

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theology, moreover is constrained by the canon. As was seen in the case of the Passover, the testaments interpreted on their own as well as the dialectical relationship between the two testaments of the Christian canon, inform and constrain the theology that is appropriate for each passage.

4.3.2. Jan Assmann: "Textpflege," "Sinnpflege," and Mnemohistory

Similar to Childs, Assmann is interested both in the historical context and the historical development of the canonical text as well as the final form. And just as is the case with Childs, to read Assmann as singularly interested in one form of the text over the other is to misunderstand him. Assmann is clear that the text underwent stages of development, but he is also clear that recognising this development points up the fact that in addition to the text itself, the cultural memory of Israel was developing as well.

It is true that Assmann's object of interpretation in *Exodus* is the received form of the text. After all, he is clear that it is in this form of the text where the normative meaning is to be found. The following quote from Chapter 2 remains important:

> In search of normative meaning, philologists always look for the archetype, the original text, the earliest attestation. Canonization turns this natural and logical course of textual history on its head. Normative meaning is to be sought not in the earliest but in the final stage of textual history. The logic of archaeology must be replaced by the logic of emergence in order to do justice to the semantics of canonization. Process, tendency, and finality matter, not origin, archetype, and source criticism.[311]

And yet, when Assmann looks at the biblical text, he recognises traces of development.

> The Hebrew Bible presents us with a peculiar dilemma. A number of more or less conspicuous signs in this collection of texts point to centuries of accretion: redundancies, inconsistencies, internal contradictions, clear interpolations and omissions, glosses, addenda, and so forth.[312]

The question then is on what grounds Assmann navigates from the development of the text to the received form. The answer to this question is remarkably similar to the approach of Childs, and he makes this move by defining two terms *Textpflege* and *Sinnpflege*, which are challenging to translate, but refer to two

311 Jan Assmann, *Of God and Gods: Egypt, Israel, and the Rise of Monotheism* (Madison: Wisconsin, 2008), 93.

312 Assmann, *The Invention of Religion*, 55; and idem, *Exodus*, 79.

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objects of care or preservation.[313] In the case of *Textpflege*, the text is the object of care and preservation, whereas in *Sinnpflege* it is the meaning, sense, or significance of the text that is the object of care and preservation. These categories allow Assmann to recognise the development of the text as well as to focus on it in its received form. And so, Assmann can rightly claim that his approach is both synchronic and diachronic. He writes,

> Since my aim here is to study the Exodus story from the viewpoint of the cultural sciences, these ideas and their historical context are of primary interest to me. What is essential for this angle of questioning, methodologically indebted to the history of ideas and to mnemohistory, is not just a synchronous perspective but also, within limits, a diachronic one.[314]

Assmann's explicit claim regarding his interaction with Exodus, therefore, is one which is based in both the history of the text and its received form.

The diachronic aspect of Assmann's argument exists in his use of *Textpflege* and *Sinnpflege*, as both treat the text as the product of layering. In the case of the preservation of the text, this task "involves preserving the letter of the text and also – so far as possible – its prosody."[315] On the other hand, the preservation of the sense of the text "is associated with texts that play a central role in the socialization and education of future generations."[316] The preservation of the texts as texts is accomplished through the work of scribes, editors, and archivists; but the preservation of texts as "cultural texts" is accomplished through memory and performance. "These are the 'cultural texts' in which a society glimpses the fitting receptacle of the norms, values, and orientations deemed worthy of being handed down to the young, the embodiment of a cultural identity to be reproduced from one generation to another."[317]

However, these two acts of preservation are intricately connected, for *Sinnpflege* has been presented through updating the text.[318] It is through layering that the sense of the text is preserved and communicated to future generations. In other words,

313 Assmann first uses these terms in Aleida Assmann and Jan Assmann, "Kanon und Zensur als kultursoziologische Kategorien," in *Kanon und Zensur: Archäologie der literarischen Kommunikation II* (ed. by Aleida and Jan Assmann; Wilhelm Fink: München, 1987), 12–15. In his English translation of Assmann's *Exodus*, Robert Savage translates these terms as "cultivating the text" and "cultivating meaning." Assmann, *The Invention of Religion*, 59. I will keep them untranslated whenever possible.

314 Assmann, *The Invention of Religion*, 57.

315 Assmann, *The Invention of Religion*, 59.

316 Assmann, *The Invention of Religion*, 60.

317 Ibid.

318 Assmann, *The Invention of Religion*, 61; and idem, *Exodus*, 85.

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> This goes some way to explaining the textual form in which the Pentateuch has come down to us: on the basis of its unparalleled significance in establishing a Jewish identity, its meaning was cultivated with corresponding intensity in the form of ongoing interpolations and glosses.[319]

Thus, the diachronic development of the text becomes the reason for interacting with the final, canonical form. For this reason, when Assmann offers a resonant reading of the Passover narrative, he interacts exclusively with the received form. He discusses issues of development, but never bases an interpretation of the text on a reconstructed text or through a presentation of the textual development involved behind the text.

This interpretive method has mnemohistory as its object. This approach examines the text "from a purely cultural perspective, independently of religious history and theology."[320] This is not to say that theological issues do not make their way into the discussion (this is impossible as the object of examination is Scripture to both Judaism and Christianity) but rather to identify the type of questions that Assmann is asking of the text. These questions are not centred on what "really happened," but rather on "how it is remembered; it examines why, by whom, for whose sake, and in which forms this past became meaningful."[321] Thus Assmann's later interpretive work is based on a canonical text that has been re-framed by the question of cultural memory. The result of the textual history lying behind the received form is the tradition that has not only survived, but has shaped and been shaped by the identity of the believing community for whom this text is Scripture. If the community had done nothing to preserve the tradition, it would have ceased in its tracks.[322]

4.4. Points of Discontinuity

However, as one would expect, there are points of discontinuity between Childs and Assmann which should be discussed. In this section I will address two such points of divergence. I will also consider whether such differences make their approaches to the biblical text mutually exclusive or if they can be held together in a mutually supporting framework. I will first address the issue of canonisation, then discuss each interpreter's posture towards the present community of faith, whether Christian or Jewish. It is important to note, however, that I am not

319 Ibid.

320 Jan Assmann, *Cultural Memory and Early Civilization: Writing, Remembrance, and Political Imagination* (Cambridge: Cambridge, 2011), 191.

321 Assmann, *The Invention of Religion*, 34; and idem, *Exodus*, 55.

322 Assmann, *Of God and Gods*, 93.

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attempting to present a reconstruction of either Childs's or Assmann's theories. Instead, I am arguing that Childs and Assmann individually and collectively point up a creative interpretive framework for moving beyond purely descriptive exegesis of Deut 4:1–40, which will be taken up in Chapter 7. Individually, Childs and Assmann have much to offer on their own terms, but it is my argument that when held together, Childs's and Assmann's personal scholarly interests are mutually supportive. Indeed, it is my contention that precisely where Assmann and Childs are most different is where they most helpfully contribute to an enriched reading of Deut 4:1–40.

4.4.1. Canonisation

The first major point of discontinuity between Childs and Assmann is in regard to the matter of canonisation. For Assmann, canonisation is primarily a reactive process whereby Israel gradually, in response to various external stimuli, transitioned from a tradition driven community to a text driven community. On the other hand, Childs views the canonisation process primarily as an internal, theological process whereby tradents make conscious decisions regarding the canon with the deliberate intention of shaping the canon for theological purposes for the benefit of future generations of tradents. However, it will be argued here that both of these views are insufficient apart from the other. In other words, Childs and Assmann are both correct: canonization requires both the external stimuli and the internal theologising impulse of the community.

4.4.1.1. Assmann: External Forces

As discussed in 2.3.4. Assmann is clear regarding his belief in the external, sociopolitical stimuli required for the move from tradition to canon. As Assmann writes, "The natural path of tradition leads towards habituation, towards becoming implicit and even unconscious. In order to become explicit, a tradition has to confront a crisis or even a break. Impulses to make tradition explicit, to record or codify it in textual form, must come from without."[323] In the case of Exodus, Assmann believes that the external forces which led to the canonisation of Exodus was the exile.

As stated above, Assmann does not believe that any substantial portions of the book of Exodus were present before the exilic period.[324] Also, in contrast to

323 Assmann, *Of God and Gods*, 93.
324 Assmann, *The Invention of Religion*, 57–58; and idem, *The Invention of Religion*, 57–58.

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Zenger and Frevel's theory of *Jerusalemer Geschichtswerks* (JG),[325] Assmann does not hold to any comprehensive pre-exilic historical presentation. Instead, Exodus is predominantly a Priestly document, which was given its received form after the exile. The advantage of this approach, Assmann believes, lies in the possibility of situating the codification of Exodus within a concrete historical situation, namely the exilic and post-exilic period.[326] In other words, the Exodus becomes the means by which Israel can interpret the exile event. According to Assmann, "The Exodus and the revelation on Mount Sinai as Israel's central images of origin rested on the principle of extraterritoriality. The covenant was sealed between an ultramundane God, who had no temple or place of worship on Earth, and a people wandering between Egypt and Canaan […]."[327] Because of this setting in the wilderness outside of the Promised Land, the covenant "remained universally valid no matter where in the world the Jews might find themselves."[328] This is why Assmann exerts so much effort interacting with the Haggadah in *Exodus*; the development of this ancient rule for enacting the Seder meal is a testimony to the mnemotechnics associated with the Exodus event.

Assmann does not deny that theological factors might have been at play in the codification of the Exodus tradition (it is not even clear that such a separation would be possible given the theological nature of the biblical canon's subject matter); rather, his main focus is on the external stimuli that motivated the preservation of tradition. In this case, the trauma of the exile provided motivation to codify tradition in the form of a written canon. Although this emphasis does not exclude the intentionally theological concerns of Childs, it is indeed different than Childs's own emphasis.

4.4.1.2. Childs: Internal Forces

In contradistinction to Assmann's understanding of canonisation, Childs offers a proposal that deliberately minimises the external forces in favour of forces internal to the community. This proposition can be seen throughout his writings, and I presented this aspect of Childs's framework at some length in Chapter 3. I will not readdress it here except as this understanding of the canonisation process can be seen to have influenced his reading of the Passover narrative.

325 Christian Frevel and Erich Zenger, "Theorien über die Entstehung des Pentateuch im Wandel der Forschung" in *Einleitung in das Alte Testament* (7th ed.; ed. by Christian Frevel and Erich Zenger; Stuttgart: Kohlhammer, 2008), 120–129; (9th ed.; ed. by Christian Frevel; Stuttgart: Kohlhammer, 2016), 216–224.

326 Assmann, *The Invention of Religion*, 58; and idem, *Exodus*, 82.

327 Assmann, *Cultural Memory and Early Civilization*, 180.

328 Ibid.

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Although Childs does not directly address the process of canonisation in his discussion of the Passover, he does support his theological interpretation of the Passover on the canonical shape of Exodus. It has already been noted that this canonical shape brings narrative and law into direct contact with one another. This connection represents, for Childs, the centre of the theological concern lying behind the editorial process of the Passover narrative. This theological dialogue between legislation and narrative, however, is an ever present dynamic within the book of Exodus. As Childs will later suggest in his *Introduction to the Old Testament*,

> The principal effect of the canonical shaping of Exodus did not lie in an overarching structure of the book which served only loosely to connect the material in a chronological sequence. Rather, the arrangement of the independent parts better reflects the effect of canonical influence. The relation of the narrative to the legal portions of Exodus offers a good illustration. Critical study of Exodus has discovered that the history behind the narrative and legal traditions often developed along strikingly different lines. Moreover, the early historical development within the various collections of laws also show little uniformity, as a comparison of the Decalogue with the Book of the Covenant makes immediately clear. However, the canonical process which resulted in the present form of the book brought to bear on the material an obvious theological concern, which had not been fully developed in the prehistory, namely, the close interaction between narrative and law. It is theologically significant to observe that the events of Sinai are both preceded and followed by the stories of the people's resistance which is characteristic of the entire wilderness wanderings. The narrative material testifies to those moments in Israel's history in which God made himself known. For Israel to learn the will of God necessitated an act of self-revelation. Israel could not discover it for herself.[329]

Although in this context Childs uses the Decalogue as his chosen example, it is clear from *Exodus* that the same could have been said of the Passover. The Passover text is likewise not a collection of disparate narrative and legislative texts, but is instead an intentionally organised interpretation of the words and works of God. According to Childs, the canonical shaping of the text was motivated by the theological impulse to make this connection apparent to later generations.

Childs recognises in the Passover account different strands of tradition with different original purposes. However, he is adamant that the meaning of these strands of tradition is no longer exclusively tied to this original authorial intent. Instead, decisions were made on the way to the canonical form to place disparate texts together, thereby placing these texts in a new context. For example, Exod 13:1–2 "have been assigned a different role in [their] present positon. The initial point that God claims the first-born has been spiritualized. This claim has been

329 Childs, *Introduction to the Old Testament,* 173–174.

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extended from the firstborn to all Israel. God has a special claim on his people."[330] For Childs, this new meaning was accomplished through the intentional placement of this text in its present context. This editorial decision, moreover, was theologically motivated. Childs, unlike Assmann, makes no mention of external factors that may have led to these editorial decisions.

4.4.2. Interpretation and the Present Community of Faith

Another major point of discontinuity between Childs and Assmann is their relationship to the community of faith. By this it is simply meant that Childs is well-known for self-consciously conducting his research from within the Christian community; he never attempts to bracket his faith or prevent his commitment to the Christian faith from influencing his scholarship. Assmann, on the other hand, although he has noted his own indebtedness to Protestant Christianity, is clear also that he writes as an historian interested in historical questions, rather than as a theologian writing for the church. This difference in interpretive positions of Childs and Assmann is clear, and it is the subject to which I now turn.

4.4.2.1 Childs: Writing from Within

Childs is explicit about his position in relationship to the biblical canon; he interprets the Bible from within the community of faith. He belongs to the community for whom the Bible (both Old and New Testaments) is Scripture. This posture to the text is in direct contrast to a common post-enlightenment historical approach which is well illustrated by Michael Fox when he writes against theologically oriented readings of the biblical text. He writes,

> Recently, claims have been made for the legitimacy of faith-based academic scholarship. In my view, faith-based study has no role in academic scholarship, whether the object of study is the Bible, the Book of Mormon, or Homer. Faith-based study is a different realm of intellectual activity that can legitimately draw on Bible scholarship for its own purposes but cannot contribute to it. I distinguish faith-based Bible study from the scholarship of persons who hold a personal faith. In our field, there are many religious individuals whose scholarship is secular and who do not impose their faith on the premises of their argumentation, although they may separately speak from a stance of faith in a denominational forum. Faith-based study of the Bible certainly has its place – in synagogues, churches, and religious schools, where whatever religious texts one gives allegiance to serve as a normative basis of moral inspiration or spiritual guidance. This kind of study is not scholarship. […] Any discipline that deliberately imports extraneous, inviolable axioms into its work belongs to the realm of homiletics, spiritual

330 Childs, *Exodus*, 204.

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> enlightenment, moral guidance, or whatnot, but not scholarship, whatever academic degrees its practitioners may hold. Scholarship rests on evidence. Faith, by definition, is belief when evidence is absent.[331]

However, this desire to bracket one's faith and interpret the Bible "like any other book" – a phrase from Benjamin Jowett now infamous in biblical studies – is not, of course, unique to Fox.[332]

In Britain, the most famous articulation of this mode of reading the Bible was presented in Jowett's "On the Interpretation of Scripture," but the movement towards this approach was long in the making. Behind the call of Jowett to interpret the Bible "like any other book" lies the voice of Spinoza. In his chapter "De Interpretatione Scripturæ" in his 1670 *Tractatus Theologico-Politicus*, Spinoza signals things to come with the following words:

> For assuming as we do that the supreme right to interpret the Bible belongs to every one individually, we conclude that the standard of interpretation should be nothing but the natural light or understanding which is common to all, *and not any supernatural light*, *nor any extrinsic authority*; for the task ought not to be so difficult as only to be practicable by the most learned philosophers.[333]

Central to Spinoza's concerns is his belief that biblical interpretation must be freed from the authority of the church. For him, the individual's own reason must be free to interpret the text. Moreover, this interpretation is possible because, "we have seen that the difficulties which still attach to it are owing to the carelessness of men, and do in nowise belong to the nature of the subject itself."[334] In other words, the process of interpretation is clear – and thus does not require the interference of the church – and can be accomplished by any reasonable individual. Jowett, similarly, believes that tradition is like the grime on an aged painting, which has left the true image distorted. The tradition must be stripped away in order to see the meaning of the text for what it truly is. Fox, too, is concerned with the negative impact that inviolable tradition might have on biblical scholarship, an exercise that he believes should be entirely premised on rational arguments.

331 Michael Fox. "Scholarship and Faith in Bible Study" in *Secularism and Biblical Studies* (ed. by Roland Boer; Sheffield: Equinox, 2010): 15–19. Not all of these concerns about theologically informed exegesis are unfounded. Moberly has noted several concerns with the interpretive approach of E.B. Pusey, Regius Professor at Oxford. R.W.L. Moberly, "How May We Speak of God? A Reconsideration of the Nature of Biblical Theology," *TynBul* 53 (2002), 179–83.

332 Benjamin Jowett, "On the Interpretation of Scripture" in *Essays and Reviews* (10th ed.; London: Longman, Green, Longman, and Roberts, 1862), 458.

333 Benedict de Spinoza, *Tractatus Theologico-Politicus* (London: Trübner, 1862), 168 (emphasis added).

334 Spinoza, *Tractatus Theologico-Politicus*, 168.

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In sharp contrast to these modern approaches to the Bible, Childs is firmly committed to a theologically informed biblical interpretation. As described previously, Childs realises this interpretive approach by first penetrating to the subject matter of the text and then moving back to the text.[335] In other words, the Christian reads the Bible as authoritative Scripture in order to penetrate to the subject matter. The subject matter shapes the Christian's theological assumptions, which then become reapplied to the biblical text. Childs justifies this interpretive approach by the fact that the Bible is the inherited Scripture of the believing community to which he belongs. At this point, the quote that stands at the beginning of this chapter is worth repeating in full. He writes,

> I do not come to the Old Testament to learn about someone else's God, but about the God we confess, who has made himself known to Israel, to Abram, Isaac, and to Jacob. I do not approach some ancient concept, some mythological construct akin to Zeus or Moloch, but our God, our Father. The Old Testament bears witness that God revealed himself to Abraham, and we confess that he has also broken into our lives. I do not come to the Old Testament to be informed about some strange religious phenomenon, but in faith I strive for knowledge as I seek to understand ourselves in the light of God's self-disclosure. In the context of the church's scripture I seek to be pointed to our God who has made himself known, is making himself known, and will make himself known. I do not come to a hitherto unknown subject, but to the God whom we already know. I stand in a community of faith which confesses to know God, or rather to be known by God. We live our lives in the midst of confessing, celebrating and hoping. Thus, I cannot act as if I were living at the beginning of Israel's history, but as one who already knows the story, and who has entered into the middle of an activity of faith long in progress. I belong to a community of faith which has received a sacred tradition in the form of an authoritative canon of scripture.[336]

Perhaps the surprising aspect of such a statement is that it is found not in some church periodical, but rather in his *Old Testament Theology* and was intended for a predominantly scholarly readership.[337] Similarly, in a 2000 interview with John Knox Press, Childs states,

> The crucial issue turns on one's initial evaluation of the nature of the biblical text being studied. By defining one's task as an understanding of the Bible as the sacred Scriptures of the church, one establishes from the outset the context and point-of-standing of the reader within the received tradition of a community of faith and practice. Likewise, Scripture is also confessed to be the vehicle of God's self-disclosure which continues to

335 Childs, *Does the Old Testament Witness of Jesus Christ?*, 62.

336 Brevard S. Childs, *Old Testament Theology in a Canonical Context* (Philadelphia: Fortress, 1985), 28–29.

337 Testimony to this is the many high profile journals that featured a review of the work including Ronald A. Pascale's review in *JR* 67 (1987): 534–535; J.A. Emerton's review in *VT* 36 (1986): 376–378; Roland E. Murphy's review in *JAAR* 55 (1987): 138–139; Ziony Zevit's review in *CBQ* 50 (1988): 491–493; and Margaret Davies's review in *JTS* 37 (1986): 442–445.

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> confront the church and the world in a living fashion. In sum, its content is not merely a literary deposit moored in the past, but a living and active text addressing each new generation of believer, both Jew and Christian.[338]

It becomes clear from these examples – and the sharp contrast which they create with the statements of Spinoza, Jowett, and Fox – that Childs has no intentions of performing the task of biblical interpretation in isolation from his own personal faith. For Childs, his interpretation is informed, though not governed, by his faith and more importantly by the subject matter of the text read in light of the enduring authority of the Bible as Scripture as a witness to God, the Father of Jesus Christ.

In the present example of the Passover, this understanding of the interpretive method is clear once he discusses the dialectic between the Passover and Calvary. Not only can the Passover inform the church's understanding of Calvary, but Calvary informs the church about the deepest meaning of the Passover. According to this second aspect, Childs notes that the church re-evaluated the Passover tradition in light of the later redemption brought about through Christ. In Childs's words, "understanding the Old Testament passover traditions in the light of the New Testament is to affirm the hope of Israel in so far as it foreshadowed God's true redemption."[339] It is this mode of interpretation – wherein the old gains new relevance that it could not have had apart from the new – that is perceived by many modern interpreters to be unacceptable. And yet, it was this mode of interpretation to which Childs was committed.

4.4.2.2. Assmann: Writing from Without

To be sure, Assmann writes as one who has personal, spiritual interests in the people of Israel, the steps of canonisation, and the history of monotheism. Over the years, he has increasingly noted his own place in the tradition of protestant Christianity.[340] With regard to his account of canonisation he writes,

338 This interview was formerly available online at <http://www.philosophy-religion.org/bible/childs-interview.htm>, but is now inaccessible. The publisher Westminster John Knox no longer has any records of the interview. A portion of this quotation, however, can be confirmed in Mark S. Gignilliat, *A Brief History of Old Testament Criticism: From Benedict Spinoza to Brevard Childs* (Grand Rapids: Zondervan, 2012), 154–155.

339 Childs, *Exodus*, 213.

340 Assmann speaks of "biblischen Monotheismus, in dem ich geistig und seelisch beheimated bin" in his *Die Mosaische Unterscheidung*, 18. More recently, he speaks of "protestantische Christentum, aus dem ich komme" in his *Exodus*, 14. However, these public admissions of a personal formation in Protestant Christianity appear to have come more or less after the recognition following *Moses the Egyptian*, that the book was received as a critique of monotheism. He writes, "Fast allgemein ist das Buch als ein Beitrag zur Religionskritik, ja

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> Theologically, we can think of canonization as an inspired process, a revelation that unfolds and perfects itself over time, and that according to the rabbis, continues in the shape of the oral Torah to modify the interpretation of the text. In what follows, however, I wish to speak not as a theologian, but as a historian, and to throw light on the process of canonization from that angle.[341]

This practice of interpreting the Bible from an historical rather than a theological posture can likewise be seen in his *Exodus*. Interestingly, in the foreword to the book, Assmann speaks of personally experiencing Passover in Israel. Many years ago, in his capacity as an Egyptologist, Assmann was in Jerusalem. The local family with whom he was staying invited him to participate in the Passover Seder. Assmann describes this experience as an *unvergessliche Nacht* (unforgettable night) that influenced his *Exodus*.[342] This was a powerful experience for Assmann, and it is clear from his treatment of the Passover that he recognises a tangible and ongoing significance of the Seder for Jews. And yet, Assmann never asks questions regarding the significance of the Passover for Christian readers. Furthermore, since he is not reading from within the Jewish community, he remains on the outside, interpreting as an historian.

4.5. Some Concluding Observations

At this point, it may be helpful briefly to return to Norman Gottwald's 1985 article, in which he argued for the basic compatibility of social scientific criticism and what he called canonical criticism, a compatibility that Childs resisted and Assmann has largely ignored. Gottwald's argument for the mutually beneficial nature of these approaches, "and even the necessity of their collaboration, in order properly to fulfill what each approach hopes to achieve," serves as the initial impetus for the current study.[343] The present chapter has been an attempt to offer a worked example of what Gottwald envisions. Specifically, I have aimed to offer a convincing proposal for a collaboration between the canonical approach of Brevard Childs and the social scientific approach of Jan Assmann. It was noted that both scholars re-frame the text by allowing the textual history to identify what is important for a textually focussed reading. Neither Childs nor Assmann allow the history or development of the text to lead to a purely descriptive reading

geradezu als ein Frontalangriff auf das Christentum bzw. auf den Monotheismus verstanden worden." Idem, *Die Mosaische Unterscheidung*, 15.

341 Jan Assmann, *Religion and Cultural Memory: Ten Studies* (trans. by Rodney Livingstone; Stanford: Stanford, 2006), 65.

342 Assmann, *Exodus*, 15.

343 Norman K. Gottwald, "Social Matrix and Canonical Shape," *ThTo* 42 (1985): 307–321 (quote from 307).

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of the text. However, neither resorts to a purely ideological reading either. Instead, both recognise the development of the text over time, but use this development as a foundation for other interests. In Childs's case, the redactional history of the text brings the theological concerns of the tradents into "sharper focus;" for Assmann, this redactional history enables him to seek insight into the mnemohistory represented by the text: what was remembered, why, by whom, and for what purpose? Childs is interested in theology; Assmann is interested in memory. However, how they move from the historical observations regarding the text to the received form of the text and ultimately to their object of interest is remarkably similar. Whereas Childs says that the textual history brings the theological concerns of the received form into sharper focus, Assmann believes that the textual history brings the mnemohistorical concerns of the received form into sharper focus. In their processes, Assmann and Childs both find ways creatively to re-frame their discussions in order to focus ultimately upon the received form of the biblical text. Both are able to re-frame the Bible away from the concept of "source," but they do so differently.

Childs and Assmann individually and collectively point to a creative interpretive framework for moving beyond purely descriptive exegesis. Individually, Childs and Assmann have much to offer on their own terms, but when brought together, their personal scholarly interests are mutually supportive. In Part II, the framework established in Part I will be put to work on the text of Deuteronomy.

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PART II – A Mnemo-Canonical Framework and Theological Interpretation

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5. Israel's Memory Context within Deuteronomy

[Deuteronomy] is Moses's legacy. It begins with information about time and place. The scene is the eastern bank of the Jordan, and the time is the period of preparation for the crossing into the Promised Land after forty years of wandering. All of the themes are significant: the border, the preparations to cross it, the end of the forty years. If we begin with the last of these, this span of forty years marks the end of a generation of eyewitnesses. Those who had firsthand experience of the Exodus from Egypt, when they were aged between twenty and thirty, had now grown old and, with their death, the living memory of the Exodus, the covenant on Mount Sinai, and the wandering in the wilderness also disappeared.[344]

5.1. Introduction

In Norman Gottwald's argument for a "necessary collaboration" between social scientific methods and the canonical approach, not only does he believe that these two approaches to the interpretation of Scripture are not incompatible, but, to the contrary, that they are compatible and can be mutually enriching.[345] Whereas the previous chapters have made the case for the possibility of bringing insights from the social scientific approach of Jan Assmann and the canonical approach of Brevard Childs to bear on the Bible, this chapter is the first step towards making such a collaboration a reality in reference to Deuteronomy. Rather than continue to discuss this collaboration in theory, I will here attempt to address the matter of how my reading Deut 4:1–40 in Chapter 6 can helpfully be framed with the assistance of cultural memory within the context of a canonically sensitive reading. My aim in the present chapter is to read portions of Deuteronomy imaginatively in order to establish the state of Israel's memory within

344 Jan Assmann, *Cultural Memory and Early Civilization: Writing, Remembrance, and Political Imagination* (trans. by David Henry Wilson; Cambridge: Cambridge, 2011), 195.

345 Norman K. Gottwald, "Social Matrix and Canonical Shape," *ThTo* 42 (1985), 307.

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the world of the text.[346] In other words, in what follows I will offer a reading of Deuteronomy – among many possible readings – that directs attention towards what might be said regarding the cultural memory of the Israel depicted by the book of Deuteronomy. This cultural memory context is intended to function as a constructed framework within which Deut 4:1–40 might be read in the next chapters.

The narrative setting of Deuteronomy is based on what rightly can be described as a cultural disaster. The old generation of the Exodus from Egypt has died in the wilderness and has been replaced by its children, who are witnesses to Moses's "farewell speech,"[347] his "valedictory address"[348] on the plains of Moab on his last day of life. This all takes place before that new generation of Israel crosses the Jordan River to claim the land promised to its parents. In this sense, Deuteronomy's literary stage is set, in part, on the theme of transition – of leadership, of locality, and of generations.[349] These transitions, in their own way, contribute to the framework that I wish to construct here. The structure of this framework is not particularly controversial in itself; it sees the Moses of Deuteronomy as a prophet burdened with the task of ensuring the successful transmission of Israel's cultural memory to the present generation. In the terms of Jan Assmann, Deuteronomy's success as a canonical text can be seen through its various mnemotechnics – that is, its various means of preserving and transmitting Israel's cultural memory.[350] This chapter is intended to be a prolonged *apologia* for this framework of reading Deuteronomy as a text which arose from and helped shape the cultural memory of Israel, but does so in a way that is canonically and textually based, as opposed to Assmann's own presentation,

346 This is a self-consciously different use of cultural memory than that of such scholars as Ehud Ben Zvi, Dianna Edelman, and the contributors to their volume *Remembering Biblical Figures in the Late Persian and Early Hellenistic Periods: Social Memory and Imagination* (Oxford: Oxford, 2013). These scholars exemplify an approach that seeks to understand the cultural memory of the "historical" Israel behind the text.

347 Gerhard von Rad, *Studies in Deuteronomy* (SBT 9; trans. by David Stalker; London: SCM, 1963), 70.

348 Moshe Weinfeld, "Deuteronomy: The Present State of Inquiry," *JBL* 86 (1967), 255–256.

349 Deuteronomy can be seen as a reflecting "transition" from many different perspectives. For example, see Nathan MacDonald, *Deuteronomy and the Meaning of "Monotheism"* (FAT II/1; Tübingen: Mohr Siebeck, 2003), 134, who speaks of this transition in terms of the narrative depiction within the text. Secondly, Martin Rose, "Deuteronomium," in *Einleitung in das Alte Testament: Die Bücher der Hebräischen Bibel und die alttestamentlichen Schriften der katholischen, protestantischen und orthodoxen Kirchen* (ed. by Thomas Römer et al.; trans. by Christine Henschel, Julia Hillebrand, and Wolfgang Hüllstrung; Zürich: Theologischer Verlag Zürich, 2013), 270, speaks of the transitional nature of Deuteronomy between Exodus and Joshua from a canon perspective. Finally, Jeffrey G. Audirsch, *The Legislative Themes of Centralization from Mandate to Demise* (Eugene: Pickwick, 2014), 23, is concerned with the transitional aspects of Deuteronomy which lie behind the text.

350 Assmann, *Cultural Memory and Early Civilization*, 193.

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which is rooted in historical reconstructions of Deuteronomy's textual development within the Josianic and exilic periods.[351]

5.2. An Absent Generation and a Juvenile Nation

Deuteronomy is not silent regarding the precarious condition of Israel's cultural memory. The first clues for the reader that there has been a dramatic shift in the cultural composition of Israel come early in the book and set the stage upon which any investigation of cultural memory within the book of Deuteronomy may be established. The cultural disaster to which I allude is summed up in two unmistakable claims made in Deuteronomy 1–3 that the generation of adults who experienced the Exodus died before Moses's speech on the plains of Moab, and that Moses's audience on the plains of Moab were too young fully to comprehend, on the basis of its own direct experiences, the Exodus from Egypt, the theophany at Horeb, or the national rebellion at Kadesh Barnea. The first of these claims is widely recognised, so I turn to it for a brief overview of its implications for how Deuteronomy 4 might be read within the world of Israel's cultural memory.

5.2.1. An Absent Generation: Deuteronomy 1:34–35 and 2:14

One of the key features of Deuteronomy's literary context of memory is the importance of generational transition.[352] Time passes and death comes to all,[353] but Deuteronomy is aware of this passing of time in a distinctive way. For

351 Assmann, *Cultural Memory and Early Civilization*, 179–193. See 2.3. above. In a similar vein, Ronald Hendel has spoken of Moses as a "mediator of memory" in his well-known article, "The Exodus in Biblical Memory," *JBL* 120 (2001), 615. However, what he means by this is that Moses, as depicted in the biblical text, may "allow a glimpse into the relation between memory and history." Op. cit., 616. Thus, for Hendel, the historical questions are never far from the centre of the discussion. See also his *Remembering Abraham: Culture, Memory, and History in the Hebrew Bible* (Oxford: Oxford, 2005).

352 Bernd Biberger, *Unsere Väter und wir: Unterteilung von Geschichtsdarstellungen in Generationen und das Verhältnis der Generationen im Alten Testament* (BBB 145; Berlin: Philo, 2003), 332–361. Richard Adamiak has argued, instead, that Deuteronomy is concerned with presenting the dt. generation on the plains of Moab as "the same generation which left Egypt, journeyed through the Wilderness and is now about to enter the Promised Land;" idem, *Justice and History in the Old Testament: The Evolution of Divine Retribution in the Historiographies of the Wilderness Generation* (Cleveland: John T. Zubal, 1982), 49. Arguing source-critically, Adamiak posits that the purpose of this presentation is to acquit the Exodus generation of their sins in the wilderness and make them justified recipients of the Promised Land. Op. cit., 49–61. As will become clear in my argument below, Deut 1–3

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Deuteronomy, the transition from one generation to the next is directly and sovereignly ordained by YHWH in judgment; this can be seen, predominantly, in two texts: Deut 1:34–35 and 2:14. First, Deut 1:34–35 states:

> וישמע יהוה את־קול דבריכם ויקצף וישבע לאמר: אם־יראה איש באנשים האלה הדור הרע הזה את הארץ הטובה אשר נשבעתי לתת לאבתיכם:
>
> When the Lord heard your words, he was wrathful and swore: "Not one of these – not one of this evil generation – shall see the good land that I swore to give to your ancestors [.]"

These verses follow from the words of the people at Kadesh Barnea in Deut 1:26–28.[354] The people complained and accused God of bringing them out of Egypt to be destroyed by the Amorites (Num 14:1–3). Wilson notes that this text gives only one reason for not entering the land, namely "the perceived superiority of its inhabitants."[355] God's response to this rebellion is to vow (שבע) that none of the adults of this "evil" generation would enter the land that had been sworn to the fathers.[356]

A telling biblical assessment of this generation is found in Psalm 95:10, which states that they were loathed by YHWH for 40 years, because they did not know his ways:

> ארבעים שנה אקוט בדור ואמר עם תעי לבב הם והם לא־ידעו דרכי
>
> For forty years I loathed that generation and said, "They are a people whose hearts go astray, and they do not regard my ways."

---

supports an entirely different reading of the generational dynamics of the Moab generation. On the other hand, Adamiak's argument lends credibility to the possibility of reading texts that support his argument instead as the rhetorical compression of generations.

353 Jean-Pierre Sonnet has eloquently noted the importance of generational terms for the biblical text's depiction of the transition of time. He writes, "Il futuro, prossimo o lontano, è anch'esso pensato in termini generazionali. Dopo il diluvio Dio presenta la sua alleanza come un patto 'per tutte le generazioni future (לדרתעולם.)' I comandi divini sono prescritti da Mosè 'di generazione in generazione (לדרתיכם)' (cf. Gn 17,12; Es 12,14.17; 16,32; 29,42; ecc.). Il Mosè deuteronomico evoca l'avvenire in termini simili: 'Quando avrete generato figli e nipoti e sarete invecchiati nella terra […];' esso menziona, all'orizzonte della storia, 'la generazione futura (הדור האחרון), i vostri figli che sorgeranno dopo di voi.' La storia biblica, passata e futura, è dunque intesa come la successione delle generazioni; quest'ultima è ciò che connette i due poli temporali della comunicazione narrativa ('in quel giorno' – 'fino ad oggi'). Resta da vedere come la Bibbia ebraica mette in relazione il giorno fondatore ed il giorno della lettura-ascolto attraverso la catena delle generazioni." Idem, "'In Quel Giorno,' 'Fino a Questo Giorno:' L'arco della comunicazione narrative nella Bibbia ebraica," RL 105 (2018), 20.

354 Eckart Otto, *Deuteronomium* (4 vols.; HThKAT; Freiburg: Herder, 2012), 394.

355 Ian Wilson, *Out of the Midst of the Fire: Divine Presence in Deuteronomy* (SBLDS 151; Atlanta: Scholars, 1995), 27.

356 LXX omits הדור הרע הזה, but instead reads, Εἰ ὄψεταί τις τῶν ἀνδρῶν τούτων τὴν ἀγαθὴν ταύτην, ἣν ὤμοσα τοῖς πατράσιν ὑμῶν.

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They did not know who God is. They had not learned his ways or known how he acts, that he would not lead them from Egypt to destroy them. They did not understand that God had led them out of the house of slavery to enter his "rest" (Ps 95:11). This generation saw God's mighty works, but did not learn from them, and its rebellion resulted in complete destruction, which is ironically what it feared most.

Returning to the text of Deuteronomy, Ps 95:10's understanding of "this evil generation" as one that failed to anticipate YHWH's future actions to be congruous with his past actions becomes helpful, as it is also present in Deuteronomy. After Israel's rebellion in Deut 1:26–28, Moses speaks in verses 29–33, chastising Israel precisely for this lack of understanding. Interestingly, Deuteronomy includes this condemnatory speech of Moses before the vow of God in verses 34–36 rather than the intercessory prayer of Moses from Num 14:13–19.[357]

It is significant that the content of Moses's rebuke focusses on the experiences of the Exodus generation, especially what it saw with its own eyes.[358] The generation that is soon to be barred from entering the land is judged because it had personal, eye-witness experiences of the mighty works of God. The judgment rests on the fact that this generation should have expected continuity between the previous acts of YHWH and the future acts of YHWH; it should have expected that he would act ככל אשר עשה אתכם במצרים לעיניכם (Deut 1:30). There can be no doubt that this short speech adds to the shadow of judgment over this generation.

The second valuable text is Deut 2:14, which states:

> והימים אשר־הלכנו מקדש ברנע עד אשר־עברנו את־נחל זרד שלשים ושמנה שנה עד־תם כל־הדור אנשי המלחמה מקרב המחנה כאשר נשבע יהוה להם׃

> And the length of time we had traveled from Kadesh-barnea until we crossed the Wadi Zered was thirty-eight years, until the entire generation of warriors had perished from the camp, as the Lord had sworn concerning them.

357 Gerhard von Rad, *Deuteronomy* (OTL; trans. by Dorothea Barton; London: SCM, 1966), 41.

358 Weinfeld reads the speech of Moses here in 1:29–33 as referring to the present generation on the plains of Moab, seeing here a compression of the second generation into the generation of the exodus. Thus he writes, "The new generation that is about to enter the promised land is considered here identical with the one that left Egypt." Moshe Weinfeld, *Deuteronomy 1–11* (AB 5; New York: Doubleday, 1991), 148 (see also 146). Although this form of compression does occur in Deuteronomy, contrary to Weinfeld this is not one such occasion. Instead, this speech is a speech to the Exodus generation within the larger speech to the second generation. Verses 29–33 are not addressed to the second generation directly, but a speech that was, according to Deuteronomy, originally addressed to the Exodus generation. The significance of this is developed in Chapter 6 below.

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In Deut 1:34–35, YHWH vows to destroy the Exodus generation[359] and bar all but Joshua and Caleb (verse 36) from entering הארץ הטובה (verse 35). In Deut 2:14, the reader learns of the successful realisation of that vow. The text simply states that Israel's period of wilderness wanderings ceased when all of the military men of the Exodus generation had died. This reference to the military men is, however, a generalisation for those of the Exodus generation who were of military age – that is, 20 years old and upward (Num 14:29 and 32:11).[360]

What is important here is that these verses represent an essential claim for the world of Deuteronomy that the generation entering the land of Canaan is not the same generation that rebelled at Kadesh Barnea.[361] The claims of Deuteronomy regarding the second generation go beyond this, as I will argue below, but this claim is essential for understanding the cultural memory context within Deuteronomy. There is a distinction between two generations: the "evil generation" who perished in the wilderness (Deut 1:34–35 and 2:14), and the "sons" who survived to enter the land (Deut 1:39).[362] Deuteronomy 2:14 makes a claim for a

359 The long discussion of these vv.'s redaction history notwithstanding, a reading of the received form must account for the dialogue within the dialogue as well as the imagined audience within the world of Deuteronomy. Regarding the redactional history of this text, see Thomas Römer, *Israels Väter: Untersuchungen zur Väterthematik im Deuteronomium und in der deuteronomistischen Tradition* (OBO 99; Freiburg: Universitätsverlag and Göttingen: Vandenhoeck & Ruprecht, 1990), 201–206; and Norbert Lohfink, *Die Väter Israels im Deuteronomium: Mit einer Stellungnahme von Thomas Römer* (OBO 111; Freiburg: Universitätsverlag and Göttingen: Vandenhoek & Ruprecht, 1991), 51–53.

360 Weinfeld notes that Deuteronomy characteristically describes the Exodus generation in militaristic terms. Idem, *Deuteronomy 1–11*, 163.

361 In the case of Numbers, one can consider the work of Dennis T. Olson, who has repeatedly argued for a framework for that book based on the replacement of one generation by the next. See especially his *The Death of the Old and the Birth of the New: The Framework of the Book of Numbers and the Pentateuch* (BJS 71; Chico: Scholars, 1985; and his *Numbers* (Interpretation; Louisville: John Knox Press, 1996).

362 I make reference here to "this evil generation" (הדור הרע הזה) due to the ongoing discussion regarding the identity of "fathers" within Deuteronomy. Römer, utilising redaction-critical interests has identified "this evil generation" as identical to this verse's reference to the "fathers." Idem, *Israels Väter*, 201–206. See also Bill T. Arnold, "Reexamining the 'Fathers' in Deuteronomy's Framework" in *Torah and Tradition: Papers Read at the Sixteenth Joint Meeting of the Society for Old Testament Study and the Oudtestamentisch Werkgezelschap, Edinburgh 2015* (OTS 70; ed. by Klaas Spronk and Hans Barstad; Leiden: E.J. Brill, 2017), 17–18; and Lohfink, *Die Väter Israels im Deuteronomium*, 51. Jerry Hwang, on the other hand, in his rhetorical analysis, has identified the "evil generation" of Deut 1:35 with the "fathers" of Deut 1:8, that is, the patriarchs (לאבתיכם לאברהם ליצחק וליעקב לתת להם ולזרעם אחריהם). Idem, *The Rhetoric of Remembrance: An Investigation of the "Fathers" in Deuteronomy* (SIPHRUT 8; Winona Lake: Eisenbrauns, 2012), 46–50. Despite this ongoing discussion, the claim that the generational separation is significant for the world of Deuteronomy remains a relevant observation.

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transition from the first to the second generation.[363] Furthermore, Deuteronomy claims that this second generation, who will embark on the conquest of Canaan, lacks sufficient direct experience of foundational events in the life of Israel to understand the importance of these events. I now turn to this claim.

5.2.2. A Juvenile Nation: Deuteronomy 1:39

Turning to Deut 1:39, the reader once again finds himself in the context of God's answer as reported by Moses to the Exodus generation that acted unfaithfully at Kadesh Barnea and now repeated for the second generation. Indeed, in this verse the reader is confronted with the final statement before God sends the nation back into the wilderness (verse 40). Verses 39–40 read as follows:

> וטפכם אשר אמרתם לבז יהיה ובניכם אשר לא־ידעו היום טוב ורע המה יבאו שמה ולהם אתננה והם יירשוה: ואתם פנו לכם וסעו המדברה דרך ים־סוף:
>
> And as for your little ones, who you thought would become booty, your children, who today do not yet know right from wrong, they shall enter there; to them I will give it, and they shall take possession of it. But as for you, journey back into the wilderness, in the direction of the Red Sea.

At least two comments are worth noting. First, whereas in 2:14 Moses makes a firm distinction between the generation of the fathers and that of their children, in this verse it is God himself who makes this distinction.[364] This distinction is evident, not only from the content of the message, but in the emphatic use of nouns/pronouns to distinguish between "you" (ואתם, verse 40) and "them" (וטפכם, ובניכם, המה, ולהם, verse 39).[365] In other words, there is an insistent distinction between those who sinned (and will not be allowed to enter the land) and those who are innocent (and will be allowed to enter the land). The irony, of course, is that the parents were refused entrance to the land because they feared that their children would become spoil (בז, 1:39):[366] it is these very children who

363 Otto, *Deuteronomium*, 437; and Jeffrey Tigay, *Deuteronomy (Devarim)* (Philadelphia: JPS, 1996), 27–28; and Raik Heckl, *Moses Vermächtnis: Kohärenz, literarische Intention und Funktion von Dtn 1–3* (ABiG 9; Leipzig: Evangelische Verlagsanstalt, 2004), 242–243.

364 Heckl, *Moses Vermächtnis*, 195.

365 Richard D. Nelson, *Deuteronomy: A Commentary* (OTL; Louisville: Westminster John Knox, 2002), 30. Additionally, Hwang notes that the strong generational contrast is reflected in the use of "you" in 1:34–35 for those under the destructive hand of YHWH and "we" in 2:14 for those who cross the Brook Zered. Idem, *The Rhetoric of Remembrance*, 44. Also, Patrick D. Miller, *Deuteronomy* (Interpretation; Louisville: John Knox Press, 1990), 34.

366 Deut 1:39. Römer, *Israels Väter*, 202.

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will now enter the land as adults, having taken the place of their own parents who have become a sort of spoil for a warring YHWH.[367]

In the second case, the younger generation is absolved of any guilt resulting from the sin of its parents's unfaithfulness because of its own innocence. Interestingly, this claim is not based on the division between the generations that has been identified above, but rather on that generation's youth and moral innocence, a widely accepted reading of the phrase ובניכם אשר לא־ידעו היום טוב ורע.[368] This "age of discernment,"[369] as Christensen calls it, may begin at 20 years of age.[370] However, what is particularly striking in the deuteronomic account, over and against the parallel account in Numbers 14, is that the reason given for the younger generation's admittance to the land is not based in any way on age *per se*, but rather upon that generation's innocence and, therefore, its inability to understand and be morally responsible for the sins of its parents at Kadesh Barnea.

Lohfink and Hwang have made similar arguments by offering theological construals of "generation" (דור).[371] Lohfink writes, "[T]he one generation is defined by sin and God's word of punishment that it evokes, the other by obedience and the resulting validation of the promises to the ancestors."[372] Building on this claim, Hwang posits that,

367 "While ancient Near Eastern nations occasionally saw their gods as fighting against their own city or nation, Israel expressed this as a continuing theological principle that ruled both her historical writing and her prophetic thought. The principle is probably rooted in the Mosaic covenant itself, as is suggested by the fact that the covenant form underlies Deuteronomy 32. The specific root is the covenant threat, set forth already in the Ten Words: 'for I Yahweh your God am a jealous God, visiting the iniquity of the fathers upon the children to the third and fourth generation of those who hate me […]' (Exod 20:5)." Millard C. Lind, *Yahweh Is a Warrior: The Theology of Warfare in Ancient Israel* (Scottdale: Herald, 1980), 112. See also Richard D. Nelson, "Divine Warrior Theology in Deuteronomy" in *A God So Near: Essays in Honor of Patrick D. Miller* (ed. by Brent A. Strawn and Nancy R. Bowen; Winona Lake: Eisenbrauns, 2003), 253–254.

368 Among others, see S.R. Driver, *Deuteronomy* (3d. ed.; Edinburgh: T&T Clark, 1902), 28; Tigay, *Deuteronomy*, 20; and Weinfeld, *Deuteronomy*, 151.

369 Duane L. Christensen, *Deuteronomy 1–11* (WBC 6 A; Dallas: Word Books, 1991), 31.

370 Tigay, *Deuteronomy*, 20; and Weinfeld, *Deuteronomy*, 151. See also the following rabbinic literature that identifies 20 as the age of responsibility: *y. Bik.* 2:1; *y. Sanh.* 11:7; 30b; *b. Šabb.* 32b.

371 Norbert Lohfink notes that his key term דור occurs in 1:35 and in 2:14, which were the centre of the discussion above; idem, "The Problem of Individual and Community in Deut 1:6–3:29" in his *Theology of the Pentateuch: Themes of the Priestly Narrative and Deuteronomy* (trans. by Linda M. Maloney; Edinburgh: T&T Clark, 1994), 229. Considering Biberger's interests, his discussion of the term דור is particularly helpful; idem, *Unsere Väter und wir*, 42–48.

372 Idem, "The Problem of Individual and Community," 229–230.

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> By conceiving of generations in theological terms of disobedience and obedience, Moses confronts his hearers with an urgent choice between which of these two generations they will join. Solidarity with Moses and the evil (first) generation epitomized by him will result in death, whereas solidarity with Joshua, Caleb, and their ilk will result in life.[373]

Hwang and Lohfink, therefore, understand there to be a distinction between the two generations, the evil generation of the Exodus on the one hand and that generation's innocent children on the other. By reminding his audience on the plains of Moab of the destructive decisions of the Exodus generation, Moses offers an added distinction between these generations. They are not only temporally distinct generations, but also distinct in terms of their standing before YHWH: one generation is guilty and has experienced the wrath of God, while the other remains innocent of that self-same wrongdoing. Below I will explore the implications of this national demographic.

5.2.3. Practical Implications of Israel's Generational Makeup

The consequences of Deuteronomy's claims regarding Israel's generational makeup are far-reaching, especially as it pertains to the cultural memory of Israel. It is to these implications that I now turn in the order in which the problems were established: first the claim of a missing generation, and secondly the claim of a morally innocent replacement generation.

The practical implications of a missing generation cannot be overstated. In terms of Jan Assmann's cultural memory theory, there is a hard deadline for communicative memory to be transformed into cultural memory – namely, the death of the previous generation.[374] The "critical threshold" is half of a generation, or 40 years.[375] According to Assmann, "After forty years those who have witnessed an important event as an adult will leave their future-oriented professional careers, and will enter the age group in which memory grows as does the desire to fix it and pass it on."[376] Does this transferral from one generation to the next occur in Israel? Although the text of Deuteronomy does not speak to this question directly, there are several reasons to read Deuteronomy in a way that understands this transition as incomplete – as "in process" – and needing the structuring and solidifying influence of Moses's address on the plains of Moab. First, Deuteronomy 1–3, as well as other key texts within the Dtr^{G}, view the

373 Hwang, *The Rhetoric of Remembrance*, 50.
374 Assmann, *Cultural Memory and Early Civilization*, 36.
375 Ibid.
376 Ibid.

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Exodus generation especially negatively.[377] One particularly insightful example of this comes from Josh 5:2–7, in which Joshua must circumcise the males of Israel, because their parents, the Exodus generation, had not circumcised their children along the way.[378] With such negligence in mind, it requires no strain of the mind to imagine that this generation might not have successfully passed on the traditions and teachings received in the wilderness.[379] Secondly, the language of Moses in Deuteronomy can easily be read in terms of "formation" rather than "information."[380] This is why there has been the understandable inclination to read Deuteronomy as a sermon.[381] In the words of von Rad,

> This trend towards exhortation is the real characteristic of the Deuteronomic presentation of the law. Undoubtedly these sermons include factual explanations and directions for concrete action as well; but they are above all concerned with man's basic attitude towards the will of God. They are concerned to stir up the right spirit. They appeal to the intentions and lay the problems of obedience quite directly on the conscience of each individual.[382]

In other words, Moses is concerned with effecting a permanent change in Israel.

The result is that there is, according to Deuteronomy's own textual world, no one (excepting Joshua, Caleb, and Moses in his final speech) who remains from the previous generation can teach the next generation how it should understand the formative events in the nation's history. The irony of this is the corresponding deuteronomic expectation that this generation should teach the next generation (Deut 4:9–10; 6:7, 20; and 11:19). This represents nothing less than a cultural

377 Andrew D.H. Mayes, *Deuteronomy* (NCBC; Grand Rapids: Eerdmans, 1981), 126. This negative view, however, is not limited to the Dtr^{G}. The prophet Ezekiel views the wilderness as a period of idolatry and rebellion. This understanding in Ezekiel is connected to the tradition reflected in Deuteronomy 1–3. Walther Zimmerli, *Ezekiel 1: A Commentary on the Book of the Prophet Ezekiel, Chapters 1–24* (Hermeneia; Philadelphia: Fortress, 1979), 410.

378 The Heb. here in v. 2 is challenging. The MT reads as follows: וְשׁוּב מֻל אֶת־בְּנֵי־יִשְׂרָאֵל שֵׁנִית. The difficulty is in understanding the meaning of שנית. More than likely, the intended meaning is that Joshua is to resume the former practice of circumcising the sons of Israel. Robert B. Coote, "The Book of Joshua," (*NIB* 2; ed. by David L. Petersen et al.; Nashville: Abingdon, 1998), 608.

379 According to this framework, the repetition of the Ten Words in Deut 5:6–21 might be read as only necessary given parental oversight.

380 von Rad, *Deuteronomy*, 19–24; Idem, *Old Testament Theology: Volume 1, The Theology of Israel's Historical Traditions* (trans. by D.M.G. Stalker; Edinburgh: Oliver and Boyd, 1962), 223–226.

381 Marc Z. Brettler, "A 'Literary Sermon' in Deuteronomy 4," in *"A Wise and Discerning Mind" Essays in Honor of Burke O. Long* (BJS 325; ed. by Saul M. Olyan and Robert C. Culley; Providence: Brown Judaic Studies, 2000): 33–50.

382 von Rad, *Deuteronomy*, 19. See also his *Old Testament Theology: Volume 1*, 225, where he speaks of the preacher making appeals to the hearts of his hearers. Whether or not this is *historically* accurate or verifiable is one issue, whether this is the general rhetorical tenor of Moses within the world of the text is another.

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disaster, one which Moses must overcome.[383] Moses attempts to overcome the cultural problems resulting from an absent generation by attempting to shape Israel's cultural memory. He accomplishes this by speaking to the second generation as if it was present in a meaningful way at the nation's key formational moments.[384] This approach, however, is surprising considering the second point, to which I now turn.

As it pertains to the rhetoric of remembrance and Moses's audience being eyewitnesses to the events of Israel's past, the claims of 1:39 and 2:14 are paradigm-shifting. The implications of their claims are significant. First, considering 2:14, it is clear that Deuteronomy considers the second generation to be all those who were yet-to-be-born or younger than fighting age when Israel disobeyed at Kadesh Barnea thirty-eight years prior.[385] Secondly, it is clear from 1:39 that even those from this generation who were alive and physically present at Kadesh Barnea thirty-eight years prior are not, simply on that basis, morally accountable for these events, and thus cannot be expected to have a thoroughgoing understanding of these events. This means that the nation of Israel to whom Moses speaks in Deuteronomy is presented in the world of Deuteronomy as having no understanding of these events either because of its youth and immaturity when the events in question took place, or because of its absence from those events.

This claim that the world of Deuteronomy depicts Moses's audience as not having experienced the acts of God – for my purposes, especially Horeb – will shape the way I will interpret Deuteronomy 4; for, as it will be argued in the next chapter, this claim understands the rhetoric of remembrance in Deuteronomy 4 to be disjointed from Deuteronomy's own understanding of this generation's experiences. For now, however, I will continue to explore Deuteronomy's cultural memory context. I now turn to the central figure of the book, Moses himself, depicted as the sole voice of Deuteronomy apart from the narrator.[386]

383 Brevard S. Childs, *Introduction to the Old Testament as Scripture* (London: SCM, 1979), 214.

384 This rhetoric of generational compression is the subject of Chapters 6 and 7.

385 Tigay notes that "Although most of those he is addressing were born later, something like a third of those now adults were probably present at those events as youngsters. Apparently he feels that his entire audience has an eyewitness's sense of the events since those now over thirty-nine *were* present and the younger ones undoubtedly heard about the events from their parents or others who were present." Tigay, *Deuteronomy*, 46 (emphasis original). Although his point still stands, I will argue in the next chapter that Moses speaks to this generation *as though* they all have "an eyewitness's sense of the events" even though in reality they all do not. This is, I will argue, the basis for understanding the mechanism of remembrance in Deuteronomy 4.

386 For the relationship between the dt. narrator and Moses, see Robert Polzin, *Moses and the Deuteronomist: A Literary Study of the Deuteronomic History* (vol. 1; New York: The Seabury Press, 1980), 25–36.

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5.3. Moses's Last Day and Pedagogical Concern

In order to provide a more textured reading of Deuteronomy 4, it is helpful to understand the concerns of the depicted speaker, not least because of the highly didactic tone of Deuteronomy 4. For this reason, I will now attempt to portray two related aspects of Moses the speaker. First, I will relay Deuteronomy's claims that Moses spoke the words of Deuteronomy on a single occasion – the day of his own death. Secondly, I will argue for a certain understanding of the pedagogical concern of Moses on the basis of Deuteronomy 4's introduction (verses 1–8).

5.3.1. Moses's Last Day: Deuteronomy 1:3 and 32:48–50

That there exists a certain symmetry and unity in the structure of Deuteronomy is no new claim, and recognising links of one kind or another between the opening and closing frames of Deuteronomy remains an important aspect of understanding the book. Indeed, Sonnet has recently presented a compelling case for reading the book of Deuteronomy from the perspective of its ending.[387]

My concern here is with the depiction of Deuteronomy as a single speech of Moses given on the last day of his life. The implication of this is simple: in the memory of Israel, Deuteronomy constitutes the last words of Israel's great prophet – these are the words which Moses thought to be most essential for the nation in the midst of transition. To make this point, I will address two texts, one from Deuteronomy's opening frame and another from its closing frame.

Deut 1:3

> ויהי בארבעים שנה בעשתי־עשר חדש באחד לחדש דבר משה אל־בני ישראל ככל אשר צוה יהוה אתו אלהם׃

> In the fortieth year, on the first day of the eleventh month, Moses spoke to the Israelites just as the Lord had commanded him to speak to them.

Deut 32:48–50

> וידבר יהוה אל־משה בעצם היום הזה לאמר׃ עלה אל־הר העברים הזה הר־נבו אשר בארץ מואב אשר על־פני ירחו וראה את־ארץ כנען אשר אני נתן לבני ישראל לאחזה׃ ומת בהר אשר אתה עלה שמה והאסף אל־עמיך כאשר־מת אהרן אחיך בהר ההר ויאסף אל־עמיו׃

387 According to Sonnet, Moses remains unheeded in his lifetime, but his teaching is finally obeyed through the person of Joshua (Deut 34:9). Jean-Pierre Sonnet, "Redefining the Plot of Deuteronomy – From End to Beginning: The Import of Deut 34:9" in *Deuteronomium – Tora für eine neue Generation* (BZAR 17; ed. by Georg Fischer et al.; Wiesbaden: Harrassowitz, 2011): 37–49.

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> On that very day the Lord addressed Moses as follows: "Ascend this mountain of the Abarim, Mount Nebo, which is in the land of Moab, across from Jericho, and view the land of Canaan, which I am giving to the Israelites for a possession; you shall die there on the mountain that you ascend and shall be gathered to your kin, as your brother Aaron died on Mount Hor and was gathered to his kin;"

The claim of these verses has often been seen as rather straightforward. Rüterswörden, for example, simply states that "Moses' communication unfolds within a unity of time and within a unity of space."[388] Moreover, these words come from Deuteronomy's omniscient narrator, not from Moses.[389] Nonetheless, this unity is not only established by these narrated remarks at the beginning and ending of the book, but also from the lips of Moses himself through the repeated (over 60 times) use of "today" (היום הזה or היום) throughout Deuteronomy. The result, then, is that the reader is constantly confronted by the claim that Moses's teaching activities on the plains of Moab take place during a single event. Thus, this claim comes both from the mouth of Moses and the narrator, though it is never explicated why this is a necessary aspect of Deuteronomy's presentation. The claim is present, but never explained or defended.

So why would Deuteronomy claim that such an event took place in a single day, but leave the relevance of the claim open? It is impossible to know, but the relevance can be imagined with relative ease. When this speech is conceived of as the last words of Israel's great prophet and law interpreter,[390] the reader can well imagine the motivation to teach and effect lasting change in Israel.[391] While it may be doubted whether or not Moses is aware that this is his final day (cf. Deut 32:48–

388 Udo Rüterswörden, "Moses' Last Day," in *Moses in Biblical and Extra-Biblical Traditions* (BZAW 372; ed. by Axel Graupner and Michael Wolter; Berlin: Walter de Gruyter, 2007), 53. See also Jean-Pierre Sonnet, *The Book within the Book: Writing in Deuteronomy* (BIS 14; Leiden: E.J. Brill, 1997), 34; Driver, *Deuteronomy*, 7, 383; and Weinfeld, *Deuteronomy*, 128. Contrarily, see Tigay, *Deuteronomy*, 316, who argues that it is not necessary to understand the speeches of Deuteronomy as taking place on a single day.

389 Sonnet, *The Book within the Book*, 185–187 argues that these verses are to be read, within the world of the text, as coming from Moses himself reporting the command of YHWH. On the other hand, even though the phrase וידבר יהוה אל־משה occurs 17 times in Numbers, this is its sole occurrence in Deuteronomy. Characteristic of Deuteronomy is that Moses reports in the first person hearing YHWH speak: וידבר יהוה אלי (or similar phrase) occurs 3 times and ויאמר יהוה אלי occurs three times. The reported speech of YHWH to Moses in 32:48–50, then, is an outlier that should be understood as a later addition representing the voice of an omniscient narrator.

390 Rüterswörden notes that Moses is not a law giver, but rather, according to Deut 1:5, a law interpreter. Idem, "Moses' Last Day," 55–56. See also Eduard Nielsen, "Moses and the Law," *VT* 32 (1982): 87–98.

391 From the perspective of the ritualised reading/hearing of Deuteronomy (31:9–13), the repetition of היום הזה or היום has the effect of making this event real for every generation. Sonnet, "'In Quel Giorno,' 'Fino a Questo Giorno'," and idem, *The Book within the Book*, 140–147.

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50), he nonetheless is depicted (as early as Deut 3:23–27) as being fully aware that he will not cross the Jordan at the head of the people.

The account in Deut 3:23–27 is particularly important as it comes directly before the paraenesis of Deuteronomy 4. In this pericope, God first reinforces for Moses that he will not cross over the Jordan into Canaan and secondly that Moses is to charge (צוה), to encourage (חזק), and to strengthen (אמץ) Joshua, for it is Joshua who will cross over in front of the people as the nation's new leader. This pericope thus brings the elements discussed – namely, Moses's last day and the need to teach those who will enter the land – directly into the context of the paraenesis of Deuteronomy 4. Not only does Deuteronomy 4, therefore, exist within the immediate context of God's promise of Moses's impending death, but also in the context of a reminder of the transitional nature of Deuteronomy and thus of Moses's teaching. I now turn to Deut 4:1–8 to see how Moses's pedagogical concerns, informed by what has been discussed to this point, can be seen concretely in his instruction to Israel.

5.3.2. Moses's Pedagogical Concerns: Deuteronomy 4:1–8

The main pericope of Deuteronomy 4 (rightly called by many a paraenesis)[392] is most easily subdivided into the following three portions: an introduction (verses 1–8), a core (verses 9–31), and a conclusion (verses 32–40).[393] Although an exe-

392 Whether or not Deut 4:1–40 should be called a "sermon" has been the subject of much discussion in recent years. This view is associated with von Rad, who argued that the entire dt. framework exhibits paraenetic qualities indicative of a late monarchical, Levitical, oral preaching tradition. Idem, *The Problem of the Hexateuch and Other Essays* (London: SCM, 1984), 267–280; and idem "Ancient Word and Living Word," *Int* 15 (1961), 4. By 1964, however, von Rad was only willing to speak of Deuteronomy 4's "hortatory quality," in *Deuteronomy*, 21, 49. Although this view is widespread, it does have its opponents. For an excellent overview of the issues and the strongest counter-argument to date, see Brettler, "A 'Literary Sermon' in Deuteronomy 4." Although the real or imagined oral tradition behind the written form of Deuteronomy 4 is a valid discussion, this particular issue is only marginal to the central concern of understanding this passage on a textual level within the canonical context as it pertains to the cultural memory of later tradents. For this reason, the term "paraenesis" rather than "sermon" is more appropriate as this term includes exhortation in written form. For an excellent treatment of von Rad's historical and contextual reasons for emphasising the oral nature of Deuteronomy, see Bernard M. Levinson, "Reading the Bible in Nazi Germany: Gerhard von Rad's Attempt to Reclaim the Old Testament for the Church," *Int* 62 (2008): 238–254. In any case, I cannot say with Lundbom that "The preachers of Deuteronomy were probably Levitical priests, some of whom were trained scribes and went by the name *scribe* (2 Chron. 34.13)." Jack R. Lundbom, *Biblical Rhetoric and Rhetorical Criticism* (HBM 45; Sheffield: Sheffield Phoenix, 2013), 5.

393 Otto, *Deuteronomium*, 527. See also Knut Holter, *Deuteronomy 4 and the Second Commandment* (StBibLit 60; New York: Peter Lang, 2003), 13 and 102.

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getical study of this paraenesis will be the theme of the next chapter, the ways in which the introduction to this sermon-like discourse establishes the pedagogical concerns addressed within the core of the paraenesis must be addressed here.

The introduction has been variously divided, but for the present discussion, it is helpful to consider a threefold division governed by rhetorical concerns. In the first two verses, a group of instructions is given: to listen to the commands and statutes that Moses is giving and to preserve them from alteration. The second two verses then present a warning which I will argue is an illustration, or object lesson, presented rhetorically as a conceptual parallel between how one treats the "words" of God and how one treats God.[394] And finally, verses 5–8 function as a promise to Israel of what it can rightly expect from God if it proves faithful in keeping (i. e., preserving) and doing the words of YHWH.

5.3.2.1. The Command: Deuteronomy 4:1–2

On the heels of the recapitulation of the wilderness wanderings in Deuteronomy 1–3, Deuteronomy 4 turns to an entirely new theme:[395] what is expected of Israel in the present and in the future.[396] This transition is signalled by ועתה and functions to separate the retrospective monologue (1:9–3:29) from the prospective monologue (4:1–40). The only other comparable use of ועתה ישראל comes in 10:12 and serves as a transition from an historical retrospect (9:6–10:11) to the command for Israel to circumcise its hearts in 10:13.[397]

> ועתה ישראל מה יהוה אלהיך שאל מעמך כי אם־ליראה את־יהוה אלהיך ללכת בכל־דרכיו ולאהבה אתו ולעבד את־יהוה אלהיך בכל־לבבך ובכל־נפשך: לשמר את־מצות יהוה ואת־חקתיו אשר אנכי מצוך היום לטוב לך:
>
> So now, O Israel, what does the Lord your God require of you? Only to fear the Lord your God, to walk in all his ways, to love him, to serve the Lord your God with all your heart and with all your soul, and to keep the commandments of the Lord your God and his decrees that I am commanding you today, for your own well-being.

394 Similarly, Dominik Markl has made a connection between the authority of the divine law and the monotheistic claim of Deut 4:35 and 39 in his "Gottes Gesetz und die Entstehung des Monotheismus" in *Ewig Ordnung in sich verändernder Gesellschaft? – Das göttliche Recht im theologischen Diskurs* (QD 287; ed. by Markus Graulich and Ralph Weimann; Freiburg, Herder 2018): 49–67.

395 Lothar Perlitt, *Deuteronomium 1–6* (BKAT V/1; Neukirchen-Vluyn: Neukirchener Verlag, 1990–2013), 305. Dietrich Knapp, *Deuteronomium 4: Literarische Analyse und theologische Interpretation* (GTA 35; Göttingen: Vandenhoeck & Ruprecht, 1985), 27–29.

396 Jack R. Lundbom, *Deuteronomy: A Commentary* (Grand Rapids: Eerdmans, 2013), 231 and 234.

397 Michael Carasik, *The Commentators' Bible: Deuteronomy* (Philadelphia: JPS, 2015), 73.

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This transition consists of a phrase that functions similarly to that of 4:1. In fact, all of 4:1–8, I will argue, communicates the same exhortation to covenant fidelity. Though the language of Deut 10:12–13 is more specific regarding God's expectation of faithfulness, 4:1–8 communicates the same expectations with the addition of a warning for failing to remain faithful and a promise of relational blessing for those who do remain faithful. It is to this opening command that I now turn.

The first command itself contains many features paradigmatic of deuteronomic style. The first is the call for Israel to hear (שמע), an oft repeated command to Israel in Deuteronomy.[398] Moreover, Weinfeld notes two distinct vocative uses of שמע in Deuteronomy: those uses with an object (as here and 5:1) and those uses without an object, such as the well-known *Shma* of 6:4.[399] It is important to note that the text depicts physical hearing, characterised by describing an object of that hearing. Within the world of the text, the audience is presented with all seriousness as a listening audience, one which can hear the statutes and ordinances being taught by Moses. This characteristic feature of Deuteronomy 4 continues through the remainder of the paraenesis and will be addressed thoroughly in the next chapter.

The second characteristically deuteronomic feature of verse 1 is the object of Israel's attentive hearing, the חקים and the משפטים rather than the תורה, a characteristically non-deuteronomic term (never occurring in the plural within the core of Deuteronomy and only rarely elsewhere in the book).[400] Within the introduction to Deuteronomy 4's paraenesis, these two nouns occur together three times (verses 1, 5, and 8). Several commentators have noted the frequent usage of these terms in conjunction in Deuteronomy,[401] and most scholars have seen the חקים and the משפטים (and similar formulae) as set idioms acting as rhetorical signals of textual structuring,[402] or else a special exilic term for all of the legal instruction of Moses in Deuteronomy 5–26.[403] On the level of rhetoric, the three-fold occurrence here in the introduction to Deuteronomy 4, with the first occurrence opening the chapter and the other two occurrences bracketing the final third of the introduction, establishes the חקים and the משפטים as a major thematic element within the chapter that also serves to tie the first eight verses

398 See also Deut 5:1, 6:4, 9:1, 20:3, and 27:9.

399 Weinfeld, *Deuteronomy*, 199.

400 Lundbom, *Deuteronomy*, 235.

401 See esp., Lundbom, *Deuteronomy*, 234–235, who catalogues well the various combinations of the dt. terms.

402 Perlitt, *Deuteronomium*, 303. Accordingly, "Moses' speeches in Deuteronomy, in particular, develop their line of argument according to a rhetorical progression, with characteristic stages and turning points." Sonnet, *The Book within the Book*, 15.

403 Georg Braulik, "Die Ausdrücke für 'Gesetz' im Buch Deuteronomium," *Bib* 51 (1970), 53.

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together as a unit. This is further confirmed by the distinct, yet parallel, concluding statement of 4:40 that speaks of God's חקיו and the מצותיו which Moses commanded Israel.[404]

Thirdly, Moses is depicted in verse 1, not as one commanding (צוה) but foremost as one teaching (למד). This is not only the first usage of למד in Deuteronomy, but also the first usage of this verb in the Pentateuch.[405] The concept of Israel learning from its teacher Moses and then replicating this teaching by instructing future generations is widely recognised as an important deuteronomic theme, as I will attempt to show in the next chapter.[406] In this case, the aim of the teaching is obedience to the statutes and ordinances. Once again, an important indication from the text is that the audience of Moses's speech is envisioned as one capable of hearing (שמע) and learning (למד) from the one who is teaching from a position of authority.

Finally, this verse exhibits the characteristic deuteronomic preoccupation with the land Israel is destined to enter into and possess if they will obey YHWH.[407] In all cases, the land is the stage upon which God's purposes for Israel are intended to unfold.[408] However, the possession of the land is not a foregone conclusion, as

404 Timo Veijola notes that the חקים and the משפטים of vv. 1, 5, and 8 are the same as the חקיו and the מצותיו of v. 40; idem, *Das fünfte Buch Mose Deuteronomium (Kapitel 1,1–16,17)* (ATD 8,1; Göttingen: Vandenhoeck & Ruprecht, 2004), 118.

405 Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Oxford, 1972), 203. The thematic importance of למד to Deuteronomy has been often asserted, but has been recently documented in the excellent study by Wendy L. Widder, *"To Teach" in Ancient Israel: A Cognitive Linguistic Study of a Biblical Hebrew Lexical Set* (BZAW 456; Berlin: Walter de Gruyter, 2014), esp., 72–123. However, the most extensive study of learning in Deuteronomy is that of Karin Finsterbusch, *Weisung für Israel: Studien zu religiösen Lehren und Lernen im Deuteronomium und in seinem Umfeld* (FAT 44; Tübingen: Mohr Siebeck, 2005), esp., 117–314.

406 See Deut 4:5, 9, 10, 14; 5:1, 31; 6:1; 11:19; 31:12–13, 19, 22; and 32:46. Weinfeld, *Deuteronomy*, 203. Also, Georg Braulik, "Deuteronomy and the Commemorative Culture of Israel: Redactio-Historical Observations of the Use of למד" in *The Theology of Deuteronomy: Collected Essays of Georg Braulik, O.S.B.* (trans. by Ulrika Lindblad; N. Richmond Hills: BIBAL, 1994): 183–198; he notes that Deuteronomy uses למד more than any other book in the Pentateuch (op. cit., 184). Interestingly, he begins his article by citing Assmann, *Das kulturelle Gedächtnis: Schrift, Erinnerung und politische Identität in frühen Hochkulturen* (München: C.H. Beck, 1997), and the important work that Assmann has done to understand the role of Deuteronomy in the memory culture of ancient Israel; he then proceeds to reframe Assmann's work into a diachronic study with redaction-historical conclusions.

407 Many important studies have been conducted on the development of the land theology within the Pentateuch as well as from a synchronic vantage point. For a helpful overview and discussion of the issues involved, see Jerry Hwang, *The Rhetoric of Remembrance: An Investigation of the "Fathers" in Deuteronomy* (SIPHRUT 8; Winona Lake: Eisenbrauns, 2012), 15–30. Perhaps the most concise and erudite distillation of the dt. land formulation is provided by Tigay, *Deuteronomy*, xvi.

408 This verse first introduces in Deut 4:1–40 the thorny issue of identifying precisely who the "fathers" are. However, a fuller treatment of the issues must wait until the next two chapters

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disobedience has prevented entry in the past (Deut 1:34). In this case, the indication is that if Israel desires to live, and enter and possess the land that YHWH is giving to the nation, then it must listen to its authoritative instructor and obey his words.[409] The particular deuteronomic association between the land and the content of Moses's message can readily be seen by their frequent use with the preposition למען.[410] In the case of verse 1, the result of listening to the חקים and the משפטים is that Israel will be allowed to live (למען תחיו).[411]

Verse 2 follows verse 1's rich collection of deuteronomic themes with a statement that does not appear *prima facie* to be relevant to the issues at hand. Instead, this verse has often been treated in near isolation from its context. Many interpreters have read verse 2 as nothing more than a principle of canonisation intended to secure the words from alteration.[412] Characteristic of this approach is Timo Veijola. He addresses Deuteronomy 4 according to its redactional layers and places verse 2 in the fourth such layer, considering this verse to be an addition distinct from its surrounding context.[413] Veijola continues, as most other commentators do, with a discussion of contemporary canon formulas such as those found in Tudḫaliya IV,[414] Ptah-Hotep,[415] Hammurabi,[416] Polybius,[417] and Maccabees.[418] All of

when 4:37 (6.3.5.) and 5:3 (7.3.3.) will be addressed. In the meantime, I believe that instead of making blanket statements about the אבת in Deuteronomy, each occurrence deserves its own treatment.

409 For Veijola, it is the land that establishes the frame for Deuteronomy 4; idem, *Das fünfte Buch Mose*, 118.

410 Of the some 48 occurrences of למען in the book of Deuteronomy, 21 make explicit mention of the land (4:1, 40; 5:16 x2, 33; 6:2 x2, 18, 23; 8:1; 9:5; 11:8, 9, 21; 16:20; 17:19, 20; 23:20; 25:15; 27:3; and 30:19).

411 Christensen, *Deuteronomy 1–11*, 72 diagrams, as is his pattern, Deut 4:1–40 as a chiasm. According to his proposal (see also the comments of Weinfeld, *Deuteronomy*, 199) vv. 1–4 and 39–40 are corresponding elements with the summary statement, "Keep YHWH's commandments that you may live in the land." Although this formulation may be true in a very broad sense, on the level of the text only v. 1 promises life, and entrance into and inheritance of the land. Verse 40 promises that things will go well (ייטב) and that their days would be prolonged (תאריך ימים). Contrary to Christensen, whilst it is true that vv. 1 and 40 are the only occurrences of למען in Deuteronomy 4, the distinctive focus on the correspondence between obedience and living seems to be a particular feature of v. 1 and its rhetorical relationship to v. 2.

412 Conspicuous among this crowd is Jan Assmann, *Cultural Memory and Early Civilization: Writing Remembrance, and Political Imagination* (Cambridge: Cambridge, 2011), 199. Also Weinfeld, *Deuteronomy and the Deuteronomistic School*, 260–265; and idem, *Deuteronomy 1–11*, 200.

413 Veijola, *Das fünfte Buch Mose*, 113.

414 "The Treaty of Tudḫaliya IV with Kurunta of Tarḥuntašša on the Bronze Tablet Found in Ḫattuša," trans. by Harry A. Joffner, Jr., *COS*, II:105.

415 Ptah-Hotep 18:7. For more on this topic and other related Egyptian texts, see Andreas Vonach, "Die sogenannte 'Kanon- oder Ptahotepformel:' Anmerkungen zu Tradition und Kontext einer markanten Wendung," *PzB* 6 (1997): 73–80.

416 "The Code of Hammurabi," trans. by Theophile J. Meek (*ANET*, 178).

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this evidences a broad interest in this verse, and the similar text in 13:1 (Heb.), as a "canon formula"[419] (alternatively labelled a "Wortlautschutzformel"[420] or "Wortsicherungsformel)."[421]

However, Tigay has argued, in contrast to this understanding, that verse 2 is concerned less with forming canonical boundaries and more with establishing the best practices for relating to YHWH with singular devotion.[422] In both deuteronomic uses of the "canon formula"[423] (4:2 and 13:1 [Heb.]) the immediate context prohibits idolatry.[424] Furthermore, although דבר can readily be taken to indicate the entirety of Moses's instructions to Israel on the plains of Moab,[425] Tigay notes that Deuteronomy was never intended to be a complete and comprehensive law code.[426]

On one hand, Tigay shows an acute awareness of the textual context, but on the other hand, I do not believe he goes far enough. It does not seem necessary to interpret this text as having a singular perlocution at its core, either to stymie the textual development of Moses's דברם or to prevent idolatry. Instead, the issues are more complex and require a more nuanced interpretation. The next two verses, containing a strong warning for Israel, will help establish such a reading.

5.3.2.2 The Warning: Deuteronomy 4:3–4

Although the implications of Deuteronomy 4's rhetoric of sensory perception for understanding some of the ways in which Deuteronomy operates as an active shaper of cultural memory will be addressed directly in the next chapter, for the purposes here it is nonetheless essential to note that this verse begins with the assumption of physical perception. In the case of verse 3, the rhetoric is highly emphatic: not a simple Qal perfect ראיתם but instead a redundant construction consisting of the unnecessary subject עיניכם plus the Qal predicate participle

417 Polybius *Hist* vii 9:9.
418 1 Macc 8:29–30.
419 Nelson, *Deuteronomy*, 64.
420 Perlitt, *Deuteronomium*, 308.
421 Otto, *Deuteronomium*, 542–543.
422 Tigay, *Deuteronomy*, 44.
423 The German term *Wortsicherungsformel* seems to better capture the language of the verse itself. Otto, *Deuteronomium*, 540. Alternatively, Perlitt, *Deuteronomium*, 306 uses *Veränderungsverbot*, which better captures the essence of the command.
424 Lundbom, *Deuteronomy*, 236 disagrees; he believes that the repeated *Wortsicherungsformel* throughout the Christian canon gives credit to viewing this statement in Deut 4:2 as comprehensive warning against altering the words of Moses. Lundbom notes that such a practice is well documented elsewhere in the ancient Near East.
425 Ibid.; Christensen, *Deuteronomy 1–11*, 79; and Perlitt, *Deuteronomium*, 306.
426 Tigay, *Deuteronomy*, 44.

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הראת. This precise grammatical construction also occurs in 3:21 and 11:7,[427] but this evidence is only a small portion of the overall evidence that displays a recurring deuteronomic rhetoric of sensory perception. The point to understand here, is that the text of Deuteronomy 4 envisages an audience that has had a direct and personal, visual experience of the events being described. This audience is assumed to be an audience that can recall to mind these events and make theological conclusions from them. This reading is also adopted by Assmann who writes, "In the account, their testimony is constantly invoked. […] This speech was addressed to the eyewitnesses, who had personally seen and experienced."[428] As I will argue in the next chapter, the rhetoric of sensory perception acts to overcome even the claims of Deuteronomy itself that Moses's audience is expected to have seen (and is even depicted as having seen) events that they could not have seen directly.

I now turn to the precise object of Israel's vision according to verse 3. According to the text, Moses's audience saw what God did in Baal-Peor (place, also Hos 9:10) to those who followed after Baal-Peor (deity, also Num 25:1–5). The audience within the world of the text is evidently able to recall to mind the horrors of God's wrath on all who followed after Baal-Peor when he destroyed them from "your midst" (מקרבך). Although the contrast between the plural suffix (עיניכם) at the beginning of verse 3 and the singular suffix (מקרבך) at its end has understandably intrigued many scholars,[429] the essential considerations for my purposes are the contrast between the behaviours of two distinct groups of Israelites, the contrast between God's response to these two behaviours, and the simultaneous continuity of the audience. In other words, verses 3–4 claim that two distinct actions were taken by Israelites at Baal-Peor: some followed after (חלך אחרי) Baal-Peor while others held fast (דבק) to YHWH. Commentators have readily seen a relationship between verses 3–4 with what comes before in verse 1: the promise of "life" is connected to the situation of Baal-Peor, which can aptly be described as a life or death decision to follow after Baal or to hold fast to YHWH.[430] But much less recognised is these verses's relationship to verse 2. But Knapp writes,

427 Otto, *Deuteronomium*, 544; Perlitt, *Deuteronomium*, 310; and Lundbom, *Deuteronomy*, 223.

428 Jan Assmann, *Cultural Memory and Early Civilization: Writing Remembrance, and Political Imagination* (Cambridge: Cambridge, 2011), 195–196.

429 Knapp, *Deuteronomium 4*, 46.

430 Siegfried Mittmann, *Deuteronomium 1,1–6,3: literarkritisch und traditionsgeschichtlich untersucht* (BZAW 139; Berlin: Walter de Gruyter, 1975), 116; Miller, *Deuteronomy*, 54–55; Tigay, *Deuteronomy*, 44; Veijola, *Das fünfte Buch Mose*, 103; and Driver, *Deuteronomy*, 63.

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> Erst in v. 3 und 4 folgt etwas Neues, nämlich ein Beispiel aus Israels Geschichte, das den Zweck hat, die paränetischen Verse 1 und 2 zu erläutern und damit deren Bedeutung zu unterstreichen. Wer nicht auf das Gesetz hört (שמע v. 1) und achtet (שמר v. 2) und anderen Göttern (Baal Peor) nachläuft, hat mit Vernichtung durch Jahwe zu rechnen. Wer aber auf das Gesetz hört und achtet und sich an Jahwe hängt, der bleibt – wie an dem Beispiel klar wird – am Leben.[431]

The distinct advantage of Knapp's reading is that it does not allow verse 2 to exist in isolation, but interprets it as a part of the larger context of the paraenesis. The life promised in verse 1 for listening to the חקים and the משפטים cannot be obtained merely by listening, but this listening (שמע) must also be accompanied by a careful regard – characterised by preservation (שמר) – for Moses's words and a loyalty to YHWH. In this sense, loyalty to YHWH is likened to preserving the words of Moses, whilst following after other deities is likened to altering the words of Moses. Similarly, Labuschagne has noted that Baal-Peor "functions as a warning paradigm: a spoken example of the recent past of the young generation, which shows the consequences of not adhering strictly to Moses's guidelines."[432]

At first such an illustration from history seems purely emphatic in nature. However, as the text progresses, there appears to be a genuine choice between life and destruction.[433] In a similar way that Deut 30:19's call for Israel to "choose life" functions after Deuteronomy 28 as an apparently genuine life or death decision, Deut 4:1–4 establishes a sincere choice to be made. As Knapp stresses, in the case of Deuteronomy 4's rhetoric, the contrast between life and death is established on the basis of a parallel structure. On the one hand, life consists of keeping (לשמר) the commandments of YHWH that Moses is commanding, and is likened to holding fast (דבק) to YHWH;[434] on the other hand, death consists of adding to (יסף) or taking away from (גרע) the commandments of YHWH and is likened to following after Baal-Peor and receiving death as a just punishment. Thus, there

431 E. g., Knapp, *Deuteronomium 4*, 46.

432 C.J. Labuschagne, *Deuteronomium deel IA* (POuT; Nijkerek: Callenbach, 1987), 238 (AT from Dutch).

433 For a helpful article on this theme in Deuteronomy, see Heath A. Thomas, "Life and Death in Deuteronomy" in *Interpreting Deuteronomy: Issues and Approaches* (ed. by David G. Firth and Philip S. Johnson; Nottingham: Apollos, 2012): 177–193. Also, Timothy A. Lenchak, *"Choose Life!" A Rhetorical-Critical Investigation of Deuteronomy 28,69–30,20* (AnBib 129; Rome: Pontificio Istituto Biblico, 1993).

434 Weinfeld, *Deuteronomy*, 201 notes the close relationship between the contrast here between following after Baal-Peor and holding fast to YHWH and what is expected of Israel in 13:5 (Heb.):

> אחרי יהוה אלהיכם תלכו ואתו תיראו ואת־מצותיו תשמרו ובקלו תשמעו ואתו תעבדו ובו תדבקון
>
> The Lord your God you shall follow, him alone you shall fear, his commandments you shall keep, his voice you shall obey, him you shall serve, and to him you shall hold fast.

Here Israel is told to follow after YHWH (אחרי יהוה אלהיכם תלכו) and to hold fast to him (ובו תדבקון).

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exists a *double entendre* in the uses of "life" and "death." On the one hand, there is, as the example of Baal-Peor shows, a choice to be made between physical life and physical death.[435] On the other hand, there is the perception that true life is only that which is in accordance with the Torah of YHWH, and that all other life is life not worth living.[436] However, there is no reason that the text's ambiguity in this regard cannot allow both of these interpretations to stand simultaneously. In the first case, the example of Baal-Peor is an especially strong indication that obedience results in life, whilst disobedience results in death. In the second case, a look at verses 5–8 envisages a life for Israel that is full and blessed *precisely because* it is a life devoted to the obedience of YHWH's חקים and משפטים.

At the same time it is necessary to note once again the continuity of the imagined audience. Deuteronomy 4:4 is quite plain in its claim that those who are alive and listening to Moses's address are able to do so because they remained faithful when others did not. This is different, however, to the claim above regarding 1:39. In the case of 1:39, Moses presents the living generation as spared from God's wrath because of its pre-pubescent innocence (they did not know the difference between good and evil). The claim of 4:4 is that the audience standing before Moses is comprised of those same individuals from 1:39 who are now both morally accountable adults *and* guiltless of the sins of Israel at Baal-Peor. The demise of those who were unfaithful to YHWH and who followed after Baal-Peor acts as a warning to the audience: life depends on keeping the words of Moses, which in turn is a way to demonstrate devotion to YHWH.

5.3.2.3. The Promise: Deuteronomy 4:5–8

The overall unity of verses 1–14 has, since Knapp's ground-breaking dissertation, come under scrutiny.[437] Braulik, however, has notably argued that although verses 5–8 were a later addition, verses 1–14 nevertheless are a literary unity.[438] In the discussion that follows, however, these diachronic questions are minimised in favour of a more rhetorical concern: how do these verses continue to develop the paraenetic concern of Moses as he is presented in Deuteronomy?

435 See Ibn Ezra, *ad loc.*

436 See Rabbi Kook as quoted in Nehama Leibowitz, *Studies in Devarim (Deuteronomy)* (trans. by Aryeh Newman; Jerusalem: Eliner Library, 2010), 47.

437 Knapp, *Deuteronomium 4*, 43–67.

438 Georg Braulik, "Literarkritik und archäologische Stratigraphie: Zu S. Mittmanns Analyse von Deuteronomium 4,1–40," *Biblica* 59 (1978), 351–363. See also his "Wisdom, Divine Presence and Law: Reflections on the Kerygma of Deut 4:5–8" in *The Theology of Deuteronomy: Collected Essays of Georg Braulik, O.S.B.* (trans. by Ulrika Lindblad; N. Richland Hills: BIBAL, 1994), 2–5. See also Mittmann, *Deuteronomium 1,1–6,3*, 117–118.

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Regarding verse 5, the first rhetorical feature worth noting is its beginning ראה-imperative, which is an obvious parallel to verse 1's שמע.[439] In terms of the world of Deuteronomy, this imperative functions as an attention-getting rhetorical device similar to the demonstrative adverb הנה. Deuteronomy 1–4, however, demonstrates a conspicuous preference for the ראה-imperative acting as an attention-getter (1:8, 21; 2:24, 31; 3:27; and 4:5) over and against הנה (1:10 and 3:11). This fact supports the recognition that Deuteronomy is determined to present these interpreted events in Israel's past as events that were not only known but witnessed by Moses's audience.

Here Israel is told to see that Moses *has* taught (למד-Piel perfect) the חקים and משפטים that in verse 1 he had said he *would* teach. How can this be? Weinfeld has noted that this challenge is only apparent: "in Semitic languages, when one makes a formal declaration, one uses the finite verb, though the declaration pertains to the present or future and not to the past."[440] Accordingly, Moses is not claiming to have completed his act of teaching between verses 1 and 5, but rather that he is presently – or imminently will be – teaching the חקים and משפטים.

Interestingly, the Hebrew למדתי here is the only instance in Deuteronomy of a למד-Piel being expressed in the LXX with the verb δέδειχα (the perfect of δείκνυμι). In all other cases of the Hebrew root למד, the LXX uses the more naturally fitting verb διδάσκω.[441] Wevers notes this peculiar choice but makes no attempt to explain it. The best explanation seems to be that the translators prioritised the Hebrew ראה and selected a corresponding verb that would be associated more readily with sight (verse 5) than hearing (e. g., שמע in verse 1) despite the obvious challenges of δικαιώματα καὶ κρίσεις acting as the objects of a verb such as δέδειχα, for these cannot be "shown" in a strict sense.[442] Additionally, this Greek tradition is an important witness to the ancient and ongoing recognition of the highly

439 Weinfeld, *Deuteronomy*, 201.

440 Ibid. See also James E. Robson, *Deuteronomy 1–11: A Handbook on the Hebrew Text* (BHHB; Waco: Baylor, 2016), 133.

441 The Göttingen text does note textual witnesses to διδάσκω being used here in 4:5.

442 Wevers notes this "highly unusual" verb choice and adds that δείκνυμι is used in the LXX only here and in two other places, Isa 40:14 and 48:17, to translate the Heb. למד. John W. Wevers, *Notes on the Greek Text of Deuteronomy* (SBLSCS 39; Atlanta: Scholars Press, 1995), 69. On the whole, Wevers characterises the attitude of the LXX interpreters towards their Heb. parent text in this way: "[T]he translators, given the particular Hebrew text they had, [did not] exhibit the idolatrous reverence for their text that Jews of a later age showed as witnessed in the extreme by Aquila. It might fairly be stated that the translators viewed the Hebrew text of the Pentateuch as the word of God, and that in consequence they viewed their task as the rendition of their parent text as fully and adequately as possible in to the literary Greek of their day." Idem, "The Attitude of the Greek Translator of Deuteronomy towards his Parent Text," in *Beiträge zur Alttestamentlichen Theologie: Festschrift für Walther Zimmerli zum 70. Geburtstag* (ed. by Herbert Donner et al.; Göttingen: Vandenhoek & Ruprecht, 1977), 499.

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visual nature of Deuteronomy 4. The difference in meaning, however, is only slight. In the Hebrew text, Moses is depicted as an authoritative instructor, *teaching* Israel to act in accordance with the statutes and judgments of God. In the Greek text, Moses is a visual demonstration of obedience by which Israel is to learn how it is to act in accordance with the statutes and judgment of God.[443] However, Deuteronomy 4 depicts a world in which these two acts cannot be separated. In other words, Deuteronomy 4 depicts Moses teaching through demonstration how Israel is to respond to the acts of God and his offer to enter into a covenant relationship with Israel. These two acts of teaching and demonstrating are two elements of the same reality, and the Greek and Hebrew textual traditions reflect this reality and add their voice to it.

As for the other key words חקים and משפטים, they are in symmetry with verse 1 and additionally establish an *inclusio* between verses 5 and 8, thus justifying a treatment of these verses as a single rhetorical unit. Verse 6 continues with two commands (ועשיתם and ושמרתם) with חקים and משפטים as their objects. According to Braulik, these terms "constitute a set expression."[444] Braulik continues by stating that "In the context of the deuteronomic linguistic world, as well as because of the exceptional brevity of the speeches within a wide rhetorical context, the two injunctives receive a clear stylistic profile: this is the formal pledging of the people to observe the statutes."[445] Lohfink, accordingly, concludes that ושמרתם does not oblige the Israelites to learn the law as a prerequisite to obeying it.[446] This assertion, however, seems to be a step too far, since learning the חקים and משפטים (verse 1) establishes the context in which Israel is to keep and do them (verses 5 and 14). Indeed, in verse 5, Moses explicitly states that he is teaching Israel to do that which he is instructing them. Thus, keeping and doing (verse 6) the חקים and משפטים presupposes that Israel learns (למד) what Moses is teaching (למד, verse 5).

These commands are then followed by three coordinate clauses, the first two beginning with כי (verses 6 and 7) and the third beginning with ו plus the interrogative pronoun מי (verse 8). These coordinate clauses serve as promises of blessing to Israel for fulfilling its role as a people who obeys God in the same way that Moses has demonstrated obedience to God in his role as Israel's teacher. The promise from Moses is that Israel will be known as a wise and understanding

443 See David G. Firth's helpful discussion of Moses as the model teacher within Deuteronomy in his "Passing on the Faith in Deuteronomy," in *Interpreting Deuteronomy: Issues and Approaches* (ed. by David G. Firth and Philip S. Johnston; Nottingham: Apollos, 2012), 164–167.

444 Braulik, "Wisdom, Divine Presence and Law," 7.

445 Ibid.

446 Norbert Lohfink, *Das Hauptgebot: Eine Untersuchung literarischer Einleitungsfragen zu Dtn 5–11* (AnBib 20; Rome: Pontificio Istituto Biblico, 1963), 68–70.

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nation (i. e., great, גדול) in the eyes of the people (לעיני העמים). In other words, Israel's greatness in the eyes of the nations is not on the basis of its size, but rather on the basis of its reputation.[447] Verses 7–8 continue with a contrast between Israel as a potentially great nation and other great nations. In the first case, Israel is a distinctly great nation because of the nearness of God, who responds whenever Israel calls on him. In the second case, Israel is a distinctly great nation because of the wisdom of its laws. Implicit in these promises is a demand on Israel, for Israel must both call on YHWH and obey his laws in order for the nations to observe the evidences of its greatness. Israel's greatness in the eyes of the nations, therefore, is only a potential greatness that becomes actualised through its responsiveness to YHWH. As Holter has noted,

> There is, in other words, a mutual relationship between Israel's and Yahweh's respective ways of being incomparable. Israel's incomparability lies in her relationship to Yahweh, demonstarted [*sic*] by her observance of his decrees and judgments. And likewise, Yahweh's incomparability lies in his relationship to Israel, demonstrated by his speaking to and salvation of his people.[448]

In other words, YHWH's incomparability stems here from his character and the character of his laws. Accordingly, as Israel responds obediently to YHWH's offer of covenant relationship, Israel becomes a distinctive (even unique) people. Furthermore, Nelson notes that it is the "nearness" of YHWH to Israel that makes them distinct. In his words, "The comparison of competing deities involves 'near and far' rather than true or false gods."[449]

This mutual distinctiveness becomes clear to the nations, therefore, through the laws of YHWH by the responsive obedience of Israel, which is initiated by the nearness and wisdom of YHWH himself. Thus, it becomes clear that Deut 4:5–8's vision of a deity who is near to his people when they pray to him is presented in parallel to the depiction of a God who gives his people מצות (verse 2). YHWH is here making a dual offer through Moses both of his instructions and himself.

The discussion of Deut 4:1–8 began with the expressed hope of saying something meaningful about the pedagogical concern of Moses as presented in Deuteronomy. I first discussed the oft-recognised claim made by Deuteronomy that Moses's address to Israel on the plains of Moab takes place in a single day, the very day of his death. In that sense, Deuteronomy is Moses's valedictory

447 Weinfeld, *Deuteronomy*, 202; and Lundbom, Deuteronomy, 238.

448 Holter, *Deuteronomy 4 and the Second Commandment*, 104. Although he never uses the phrase, MacDonald's theology of dt. monotheism can likewise be described in terms of mutuality, namely a mutual election: YHWH has chosen Israel from among all the nations of the earth to be the special object of his love, and Israel is expected to choose YHWH from among all the gods of the earth to be the special object of its love. MacDonald, *Deuteronomy and the Meaning of "Monotheism."*

449 Nelson, *Deuteronomy*, 65.

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address. I argued further that Deut 4:1–8, in its role as the introduction to a major composition (Deut 4:1–40), offers important insight into the rhetorical and pedagogical motivations of Deuteronomy's Moses. In what has preceded, I have attempted to build up to the claim which I will now state explicitly. In Deut 4:1–8, Moses is concerned with two conceptually parallel and mutually inclusive acts of devotion. On the one hand is YHWH himself and on the other hand is his חקים and משפטים (verses 1, 5, and 8), or else, his דבר (verse 2), his מצות (verse 2), or his תורה (verse 8). Deuteronomy 4:1–8 establishes a moral parallel between how Israel treats YHWH's instructions – given as they are through Moses his messenger – and how Israel treats YHWH himself. To turn away from, disregard, or profane the words of YHWH is to do so to God himself. On the other hand, to hold fast to, preserve, and obey the words of YHWH is to do so to God. This then is the pedagogical concern of Moses: to present to Israel the choices before it and to encourage Israel towards a decision of faithfulness to YHWH and his words.

5.4. The Causal Divide between Faculties of Perception and Meaningful Comprehension: Deuteronomy 29:1–5 (Heb.)

One further observation regarding the deuteronomic presentation of Israel's memory – or indeed, Israel's ability to remember – that will aid understanding of the rhetoric of memory in Deut 4:1–40 is perhaps one of the most familiar concepts of biblical epistemology. The notion itself is not a distinctly biblical notion, but rather belongs to the human condition: sensory perception is no guarantee of understanding (i. e., seeing is not believing). However, although Deuteronomy speaks to this topic within a wider biblical tradition, the importance for my argument here is the interaction between Deut 29:1–5 and the logically reverse epistemological claim (i. e., that not seeing is not not believing) that will be seen at work through the rhetoric of generational compression in Deuteronomy 4 in the next chapter.

The opening and closing frames of Deuteronomy present a fascinating array of parallel thematic elements that help to give Deuteronomy its characteristic structure.[450] The reader, then, should not be surprised when the closing frame,

450 Deuteronomy 4 is frequently recognised as being parallel with Deuteronomy 29 in form and content. Dominik Markl, "Deuteronomy's Frameworks in Service of the Law (Deut 1–11; 26–34)", in *Deuteronomium – Tora für eine neue Generation* (BZAR 17; ed. by Georg Fischer et al.; Wiesbaden: Harrassowitz, 2011), 271–272. Knapp, *Deuteronomium 4*, 128–157 (identifies parallels between 4:1–31 and 29:1–30:10). Markl identifies the following three thematic parallels: covenant, the first commandment, and the future. See also Hans Walter Wolff, *Gesammelte Studien zum Alten Testament* (TB 22; München: Kaiser, 1964), 320–324 (identifies parallels between 4:29–31 and 30:1–10); and Jon D. Levenson, "Who Inserted the

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like the opening frame of chapters 1–4, also contains important elements for understanding the memory context of Israel within the world of Deuteronomy.[451] What becomes clear from Deut 29:1–5 is that Deuteronomy assumes a distinction between Israel's faculties of physical perception and its ability for understanding (i. e., its ability to live in accordance with what has been perceived). Readers of the biblical text are undoubtedly familiar with the concept expressed here and subsequently taken up (according to a canonical reading)[452] by Isaiah (Isa 6:9–10),[453] Jeremiah (5:21),[454] Ezekiel (12:2),[455] Christ (Matt 13:14), and then his apostles (Acts 28:26, 27). The concept can be expressed basically in the following way: simply because Israel has collectively experienced an event does not therefore suggest that Israel will understand its significance or be able to live in accordance with that experience.

According to the text, the surprising claim is that God has not opened Israel's mind to know or eyes to see or ears to hear עד היום הזה ("until this day," or "as far as this day").[456] Contrary to Lenchak, there is no hint here that God has closed Israel's eyes and ears (as an act of judgment as is the case in the language of Isa 6:9–10) or that God has kept them closed because he has chosen to reveal himself

Book of the Torah?" *HThR* 68 (1975), 212–218 (identifies parallels between Deuteronomy 4 and 29–31, which he considers an exilic frame around Deut 5–28:68).

451 Jack R. Lundbom, "The Inclusio and Other Framing Devices in Deuteronomy I–XXVIII," *VT* 46 (1996): 296–315.

452 From a form-critical perspective, however, Walther Zimmerli doubts that this statement of recognition in Deuteronomy 29 has great importance to the discussion of its usage in Ezekiel. Idem, *I am Yahweh* (ed. by Walter Brueggemann; trans. by D.W. Stott. Atlanta: Westminster John Knox, 1982), 53; and Walther Zimmerli, *Erkenntnis gottes nach dem Buche Ezechiel: Eine theologische Studie* (ATANT 27; Zürich: Zwingli-Verlag, 1954), 27–30.

453 Far from a criticism, it is nonetheless interesting to note that the major Isaiah commentators make no reference to this theme's presence in Deut 29:3 (Heb.). Brevard S. Childs, *Isaiah* (OTL; Louisville: Westminster John Knox, 2001), 56–57; Hans Wildberger, *Isaiah 1–12: A Commentary* (CC; trans. by Thomas H. Trapp; Minneapolis: Augsburg Fortress, 1991), 271–273; George B. Gray, *The Book of Isaiah* (ICC; Edinburgh: T&T Clark, 1912), 109–110; and Joseph Blenkinsopp, *Isaiah 1–39* (AB 19; New York: Doubleday, 2000), 222–226.

454 Similarly, Jeremiah commentators prefer to note connections to Isa 6:9–10 or Ezek 12:2, if they note any. See, for example, Jack R. Lundbom, *Jeremiah 1–20* (AB 21 A; New York: Doubleday, 1999), 402–403.

455 Likewise, Ezekiel scholars have tended to make no reference to this text in Deuteronomy, but rather have focussed on its connection to Jeremiah and Isaiah; Moshe Greenberg, *Ezekiel 1–20* (AB 22; New York: Doubleday, 1983), 208–209; George A. Cooke, *The Book of Ezekiel* (ICC; T&T Clark: Edinburgh, 1936), 129; Leslie C. Allen, *Ezekiel 1–19* (WBC 28; Nashville: Thomas Nelson, 1994), 178; and Walther Eichrodt, *Ezekiel: A Commentary* (OTL; London: SCM, 1970), 149.

456 Regarding the joint use of ראה and שמע, Fuhs argues that the biblical text does not support the claim that hearing is the primary sensation in Israel and seeing is the primary sensation in Greece. Furthermore, when they occur together, "the texts either refer to a unitary personal act of perception or establish the priority of seeing over hearing." H.F. Fuhs, "רָאָה," *TDOT* 13:216.

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to others (as is the case of the similar language in Matt 13:11–14).[457] Instead the claim comes to the reader as simply as it does shockingly: God has not given Israel the ability to live on the basis of what it has experienced.

One of the challenges of this verse is determining the precise meaning of עד היום הזה.[458] Is the meaning that Israel previously did not possess the ability to understand, but now does,[459] or is the meaning that Israel has never, including at this point in the world of Deuteronomy, had the ability to understand?[460] There have been commentators on both sides of this debate, and an assured resolution is unlikely here (nor is that the aim of the present study), and although there have been two important studies conducted on this phrase, the authors are interested only in redactio-historical concerns.[461] Furthermore, these studies take the meaning of this particular biblical phrase for granted, and neither acknowledge its use in Deut 29:3. However, an attempt will be made at placing this phrase within its wider context and within the context of Israel's memory.

The first aspect to note is this phrase's typical meaning within Deuteronomy and beyond. The phrase עד היום הזה occurs some six times in Deuteronomy (2:22, 3:14, 10:8, 11:4, 29:3, and 34:6). Outside Deuteronomy, it occurs in this form six additional times in the Pentateuch (Gen 26:33, 32:33, 47:26, 48:15; Exod 10:6; and Num 22:30), and a further 47 times in the remainder of the Dtr^{G}.[462] In all of these occurrences, the clear sense of the text is that the statement with which it is

457 Lenchak sees in 29:3 a rebuke. Idem, *"Choose Life!"* 182. Similarly, Leibowitz considers that, "Perhaps it was, after all, due to some supernatural Divine obstacle that they had remained impervious. It was not their fault, but the Almighty's." Leibowitz, *Studies in Devarim*, 293. However, both of these views give God credit where credit it not due. According to the text, God is the agent of miraculous events (signs and wonders), but is not the agent of blinding the nation. This state of Israel is because of a *lack* of action on the part of YHWH. It is the people that are shown in a negative light, not YHWH; Christensen, *Deuteronomy 21:10–34:12*, 712.

458 One challenge is that, as Driver comments, this verse "is not very intimately connected with the context, and must be regarded as parenthetical." Driver, *Deuteronomy*, 321.

459 Nelson, *Deuteronomy*, 340; Lundbom, *Deuteronomy*, 801; Tigay, *Deuteronomy*, 275 (following the rabbinic tradition as found in Rashi, Rashbam, and Malbim). Michael Carasik, following Abarbanel, has argued that the best explanation is that "by 'this day' Moses was referring to the day when they saw 'all that the Lord did before your very eyes in the land of Egypt' (v. 1 [Heb.]), from which point on they *did* have 'a mind to understand' and so forth." *Commentators' Bible: Deuteronomy*, 194 (emphasis original). Yet, this interpretation resists the natural usage of היום הזה as an idiom meaning "today." Furthermore, this understanding of עד היום הזה is problematic considering this phrase's normal usage in Deuteronomy and beyond, an issue discussed below.

460 Walter Brueggemann, *Deuteronomy* (AOTC; Nashville: Abingdon, 2001), 260–261; Miller, *Deuteronomy*, 204; and Lenchak, *"Choose Life!"* 182.

461 Brevard S. Childs, "A Study of the Formula, 'Until This Day'," *JBL* 82 (1963): 279–292; and Jeffrey C. Geoghegan, "'Until this Day' and the Preexilic Redaction of the Deuteronomistic History," *JBL* 122 (2003): 201–227.

462 These numbers are the result of a search using a Bible study software.

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associated is considered to be true from the perspective of the author (when in narrative) or speaker (when in direct address). A few examples will suffice to illustrate. In Gen 48:15, Jacob speaks of YHWH saying, האלהים הרעה אתי מעודי עד־היום הזה ("the God who has been my shepherd all my life to this day"), indicating that he presently considers God to be acting as his shepherd. Similarly, in Num 22:30, Balaam's donkey speaks to him with the words, הלוא אנכי אתנך אשר־רכבת עלי מעודך עד־היום הזה ("Am I not your donkey, which you have ridden all your life to this day?"). Such a usage of עד־היום הזה clearly envisages a present reality, for Balaam is currently riding the donkey when it speaks these words. A final example comes from Josh 8:28, which states, וישרף יהושע את־העי וישימה תל־עולם שממה עד היום הזה ("So Joshua burned Ai, and made it forever a heap of ruins, as it is to this day"). Interesting here is the compound term תל־עולם, which indicates that Ai's desolation is understood from the perspective of the author as a present and future reality.

Yet if Tigay – and the rabbinic tradition behind him – is correct that Deut 29:3 cannot mean that "even now Israel lacks the capacity to understand its experiences properly," then this would be the only exception to the common use of עד־היום הזה within the entire Dtr^{G}.[463] Tigay adopts this understanding of verse 3 because "If that were Moses' meaning, his appeal that Israel observe the covenant would be hopeless."[464]

However, the key point is that, when spoken in direct address, as is the case in Deut 29:3, עד־היום הזה represents a claim regarding a present reality from the perspective of the speaker, yet does so without precluding changes in the future. This is also evident from the occurrences of עד־היום הזה within the Dtr^{G}. The case of Judg 1:21 is illustrative at this point. The text claims that, וישב היבוסי את־בני בנימן בירושלם עד היום הזה ("so the Jebusites have lived in Jerusalem among the Benjaminites to this day"). However, 2 Sam 5:6–7, with its account of David's total seizure of Jerusalem, updates the Jebusite narrative from a canonical perspective regarding their presence in Jerusalem.[465] Judges 1:21 can claim that the Jebusites remain in Jerusalem "until this day" without thus implying that this

463 Tigay would translate the verse, "But the Lord did not give you a mind to understand […] until today;" idem, *Deuteronomy*, 275. It would not be uncharacteristic of Tigay to adopt an anomalous reading. For example, based on Zech 14:9, Tigay adopts an anomalous reading of Deut 6:4's יהוה אלהינו as a subject and predicate (the Lord is our God) even though this syntactical construction is rare in the Bible and otherwise absent in Deuteronomy. Op. cit., 76, 439.

464 Ibid.; and Leibowitz, *Studies in Devarim*, 292.

465 P. Kyle McCarter, *II Samuel* (AB 9; Garden City: Doubleday, 1984), 137. Even though his interests are not in presenting a canonical reading of the text, he writes, "When the Israelites conquered Canaan, we are told, the Jebusites were not driven out (Josh 15:63; Judg 1:21); they maintained their control of Jerusalem until the time of David (cf. Judg 19:10–21)."

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must always be the case.[466] Thus, the reader should not assume that עד היום הזה offers the final word regarding an etiological or historical claim, but rather is presenting a claim from the temporal vantage point of the author or imagined speaker. Although the example from Josh 8:28 given above may be a clear counter-example, its claim is distinct in that it claims that Ai is an enduring ruin (תל־עולם). Deuteronomy 29:3 makes no comparable claim for the present reality remaining into the future. The implication for Deut 29:3 is that although Israel may not presently possess a knowing heart, or hearing ears, or seeing eyes, it is not, on the grounds of this text, evident that Israel will never possess these faculties. To the contrary, the context seems to indicate an offer for Israel to possess and use them.[467] For even though it may not always be clear that the events of history are the acts of YHWH, the deity has made it clear to Israel within this passage that he is indeed acting in and through history (29:1–2 and 4–5).[468] Furthermore, the commands found in 29:8 to keep YHWH's commands, as well as the claim in 29:12 that God has brought Israel to the plains of Moab so that Israel will become YHWH's people and YHWH will become Israel's God (למען הקים־אתך היום לו לעם והוא יהיה־לך לאלהים), indicate that there is hope.

Before coming to any conclusions regarding verse 3, it is important to consider its context. Verses 2 and 5 serve to create an unexpected, even fascinating, context for the statement found here in verse 3. Verse 2, just as the language seen in Deut 4:1–4, is precise and explicit that Israel *has* indeed seen the acts of God, in this case against Pharaoh and his servants. These events happened before Israel's very eyes (לעיניכם), and (lest this be misunderstood) these are events that its very eyes saw (ראו עיניך). As Lenchak has put it,

> Dt. 29, 1b–3 thus begins the Third Discourse of Moses by references to historical facts, by appeal to the personal memory and testimony of the audience, and by building up a feeling of wonder or awe before the deeds of YHWH. […] The rebuke in Dt 29,3 is especially effective because of repetition and contrast. Various forms of ראה and עינים occur three times in vv. 1b–3. In vv. 1b–2 there are two complimentary [*sic*] appeals to the witness authority of the audience. But these are followed by the negative evaluation of this testimony.[469]

466 A.A. Anderson, *2 Samuel* (WBC 11; Dallas: Word, 1989), 81.

467 See especially the treatment of Miller, *Deuteronomy*, 202–210. Miller writes that, "the text indicates that the heart to know, the eyes to see, and the ears to hear are *a gift of the Lord* and one not yet received." Op. cit., 206. See also Driver, *Deuteronomy*, 322; and J.G. McConville, *Deuteronomy* (ApOTC 5; Leicester: Apollos, 2002), 414–415.

468 G. Johannes Botterweck writes, "The question of how revelation and history are related points ultimately to whether an event could be recognized as an act of Yahweh […]." Idem, "יָדַע," *TDOT* 5:471.

469 Lenchak, *"Choose Life!"* 182.

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Thus the reader knows that God has not veiled these events from Israel's view, but rather that Israel has not truly perceived them.[470] Verse 5, moreover, envisages a time in the future in which Israel will know on a deeper level that YHWH is its God. However, far from being fatalistic, Deuteronomy communicates genuine hope regarding Israel's state of affairs: not only is Israel commanded to live in light of what the nation has experienced (e. g., 4:9–40),[471] but Moses is also depicted as an interpreter of the acts of God (e. g., 3:21, 4:1–40, 7:6–11, 8:1–20, and here in 29:4–5).[472] This interpretation, moreover, is an essential element of gaining true understanding of the past acts of YHWH on Israel's behalf.

It should also be noted that for this passage there is a causal separation between seeing the acts of YHWH in the Exodus and the internalisation of the importance of these acts. In other words, seeing is not equal to understanding; simply because Israel saw what God did to Egypt does not necessarily mean that Israel can interpret these events or understand their implications.[473] Furthermore, whether the text envisages that understanding is realised in the course of Moses's address or not is inconsequential to this final observation. What is essential (and what I will argue Deuteronomy 4 does differently) is that for the world of Deuteronomy, understanding (having spiritual sight and hearing) is not the guaranteed outcome of direct, physical sight and hearing.

But this observation is not new to the reader of the biblical text both because of the examples of individuals failing to act faithfully in the light of previous experiences provided elsewhere in the Torah (e. g., Gen 16:1–4; Exod 16:1–3; 17:1–3; 32; Num 14:1–12; 20:1–5; 21:4–5; 25:1–9; and Deut 1:19–46) and because of similar language discernible elsewhere in the canon (Isa 6:9–10, 32:3; Jer 5:21; Ezek 12:2; Matt 13:11–14; John 8:43; 12:38; and Acts 28:26–27). What is explicit in all of these latter texts is the same message that is implicit in the former texts: hearing the promises of YHWH or seeing his great acts is not an assurance of faithful living.

This text in the concluding frame of Deuteronomy, then, explicates what the opening chapters of Deuteronomy demonstrate: despite the works of God

470 Duane L. Christensen, *Deuteronomy 21:10–34:12* (WBC 6B; Nashville: Word Books, 2002), 712.

471 Tigay, *Deuteronomy*, 275.

472 As hinted at above, the concept of Moses as Israel's teacher is highly significant in Jewish tradition. In fact, he is affectionately known as *Moshe rabbenu* – Moses our teacher. Interestingly, Aviva Gottlieb Zornberg, in her *Bewilderments: Reflections on the Book of Numbers* (New York: Schocken, 2015), 286–288 has noted that although Exodus depicts Moses as slow of tongue and even in doubt of his own ability to transmit God's message, in his last months of life he, nonetheless, finds the words to speak and teaches Israel in a profoundly personal and emphatic way.

473 Christensen, *Deuteronomy 21:10–34:12*, 712.

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throughout the Exodus from Egypt, Israel still acts faithlessly (Deut 1:32–33).[474] Although Israel has been commanded to learn from its history and has been given a lesson through the example of Moses on how to do such a theological interpretation of the past (e.g., Deut 4:1–40), Israel is עד היום הזה unable truly to understand, hear, or see. "However," as Nathan MacDonald has noted, "'until this day' suggests the possibility of new beginning."[475] For even though the normal usage of עד־היום הזה indicates that, within the world of the text, Israel is not fully able to understand and live in light of what YHWH has done, this is not the final word on the matter. Indeed, as Moses continues in 29:4–5, he hints at the means of understanding.

Continuing to look at Deuteronomy 29, the reader sees that after Israel's lack of understanding has been declared to be a present epistemological problem (yet without precluding the possibility of future understanding), further evidences of God's wonderful acts on Israel's behalf are listed with the expectation that these acts should lead to Israel's eventual knowledge of YHWH as Israel's god (verses 4–5).[476] What is different in this instance when compared to 29:1–2 is that the purpose of the acts of God is given. And with this statement, the earlier statement regarding Israel's blindness and deafness is given a fuller context and an important caveat through the purpose statement of verse 5, למען תדעו כי אני יהוה אלהיכם ("so that you will know that I am YHWH your God," AT).

Similar statements are common throughout the Old Testament, perhaps most memorably in the plague narrative of Exodus 6–8. And yet nowhere is this statement more prevalent than in the form of "Ezekiel's most characteristic phrase, 'And they (or ye) shall know that I am Jehovah.'"[477] Indeed, within Ezekiel, this phrase occurs over 50 times.[478] The consistent trend with these statements of recognition is that they occur in conjunction with a description of the acts of God either past, present, or future. These acts are often, especially in

474 Miller, *Deuteronomy*, 204. See also Wilson, *Out of the Midst of the Fire*, 27–28.

475 MacDonald, *Deuteronomy and the Meaning of "Monotheism,"* 137.

476 Rolf Rendtorff writes, that "The interpreter [of YHWH's acts] is not to be a mediator between what happens and the one who experiences it. The activity itself ought to bring about acknowledgment of God in the one who observes the activity and understands it in its context as an action of Jahweh." Idem, "The Concept of Revelation in Ancient Israel," in *Revelation as History* (ed. by Wolfhart Pannenberg; trans. by David Granskou and Edward Quinn; London: Sheed and Ward, 1969), 47.

477 S.R. Driver, *An Introduction to the Literature of the Old Testament* (8th. rev. ed.; Edinburgh: T&T Clark, 1909), 295. Zimmerli has treated this concept at length in his *Erkenntnis gottes.*

478 Ibid.; and idem, *Deuteronomy*, 321. G. Johannes Botterweck, has counted a total of 71 occurrences of this phrase in Ezekiel. Idem, *"Gott erkennen" im Sprachgebrauch des ATs* (BBB 2; Bonn: Peter Hanstein, 1951), 14–17.

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Ezekiel, acts of judgment upon Israel or upon the nations.[479] Alternatively, these statements occur in the context of deliverance,[480] hope of restoration,[481] miracles of authentication,[482] or even (on two occasions) reminders of God giving Israel the Sabbath.[483] Although these categories are inherently subjective, and the boundaries are nebulous – this is perhaps especially true in the case of rhetoric relating to the Exodus, which serves as both judgment upon Egypt (Exod 7:5) and deliverance for Israel (Exod 6:7)[484] – all occurrences of this language in Exodus and Ezekiel relate to God's desire to make himself known to Israel and to the nations.[485] As far as Deut 29:1–5 is concerned, its context likewise makes clear that God desires to make himself known to Israel in and through his visible actions.[486] Within the context of Deut 29:4–5, those actions include the threat of being invaded by foreigners, being taken into a foreign land, and worshipping foreigners's gods. Characteristic of this is 28:64,

> והפיצך יהוה בכל־העמים מקצה הארץ ועד־קצה הארץ ועבדת שם אלהים אחרים אשר לא־ידעת אתה ואבתיך עץ ואבן׃

> The Lord will scatter you among all peoples, from one end of the earth to the other; and there you shall serve other gods, of wood and stone, which neither you nor your ancestors have known.

With such language, Moses portrays a reversal of God's offering of rest in the land that he is giving them.[487] According to Tigay, "Exile will bring in its wake an additional punishment: worshiping artificial gods that can do nothing."[488] This

479 Driver, *An Introduction*, 295. See Exod 7:5, 17; 8:18 (Heb.); 10:1–2; 14:4; Ezek 6:7, 10, 13, 14; 7:4, 9, 27; 11:10, 12; 13:9, 14, 21, 23; 14:8; 15:7; 20:26; 22:16; 23:49; 24:24, 27; 25:5, 7, 11, 17; 26:6; 28:22, 23, 24, 26; 29: 6, 9, 16; 30:8, 19, 25, 26; 32:15; 33:29; 38:16, 23; 39:6, 7.

480 Driver, *An Introduction*, 295. See Exod 6:7; 8:6 (Heb.); 16:12; 29:46; Ezek 20:5, 9.

481 Driver, *An Introduction*, 295. See Ezek 16:62; 20:38, 42, 44; 29:21; 34:27, 30; 36:23; 37:13, 14, 28; 39:22, 28.

482 Exod 4:4–5.

483 Ezek 20:12, 20.

484 Cornelis Houtman, *Exodus* (vol 1; HCOT; Kampen: KOK, 1993), 528.

485 Greenberg, *Ezekiel 1–20*, 133; Allen, *Ezekiel 1–19*, 88–89.

486 Zimmerli, *I am Yahweh*, 63–71. See also Peter C. Craigie, *The Book of Deuteronomy* (NICOT; London: Hodder and Stoughton, 1976), 356 (quoted below).

487 Lundbom, 795; Nelson, 332–333.

488 Tigay, *Deuteronomy*, 52. Tigay also persuasively argues on historical grounds that, contrary to many later interpreters, the punishment in mind here is not that Israel will be forced to worship foreigners's gods. Idem, *Deuteronomy*, 53. Such interpretations are offered by Rashi, who writes of Deut 28:64, "You will not directly serve these gods, but will have to give service and pay poll taxes to their priests." Likewise, he writes of 4:28, "By serving those who serve those gods, it will be as if you yourselves were serving them." T^{O} similarly reads, "And there will you serve *the peoples who are worshippers of* idols, the work of men's hands, wood and stone, which see not, nor hear, nor eat, nor smell." And T^{J} reads, "And there will you be constrained to serve *the worshippers of* idols, the work of men's hands, of wood and stone, which see not, nor hear, nor eat, nor smell." J.W. Etheridge, *The Targums of Onkelos and*

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understanding of punishment for unfaithfulness is, moreover, in direct parallel to Deut 4:28, as many commentators have noted.[489] In sum, the punishment for being unfaithful to YHWH is conquest by a people that Israel has not known and deportation to a land that it has not known, where it will worship gods that it has not known. At the same time, it is worth remembering that within the Ezekiel tradition, this judgment is a means by which God makes himself known both to the nations[490] and to Israel.[491]

The deuteronomic pattern, however, is that through the remembrance of promised and fulfilled judgment, Israel will respond in repentance (Deut 4:29 and 30:1–3). Israel will know that it is living a cursed existence when it leaves the land it has known for a land that it has not known and forsakes the God who has made himself known to Israel for gods it has not known, who have never made themselves known to Israel. "Only in YHWH's provision for them at that moment of hopelessness can they recognize their utter dependence on YHWH, the one who kills and gives life, wounds and heals (32:39)."[492] Contrarily, blessing in Deuteronomy comes from knowing YHWH, who has made himself known to Israel through past actions on Israel's behalf. This helps clarify the intention of 29:3 – in Deuteronomy, not to know is a dire problem that must be overcome. In order to overcome this lack of knowledge, YHWH must act. Deuteronomy 29:5 indicates that for Israel to be on the receiving end of God's actions is only part of the solution. The other necessary element is the interpretation of these events in such a way that makes clear YHWH's love and benevolent actions on Israel's behalf.[493] In the case of 29:4–5, God interprets four acts as the catalyst for ongoing knowledge of YHWH. God has made himself known to Israel and has invited Israel to participate in a mutual relationship.[494] The foreigners's gods, on the other hand, have not made themselves known to Israel in this way and, therefore, to be in relationship with them is seen as judgment.

Jonathan ben Uzziel on the Pentateuch: with the fragments of the Jerusalem Targum (London: Longman, Green, Longman, and Roberts, 1862–1865), (emphasis added).

489 Among others, see Driver, *Deuteronomy*, 73; Nelson, *Deuteronomy*, 68; Otto, *Deuteronomium,* 573; Perlitt, *Deuteronomium*, 344; Veijola, *Das fünfte Buch Mose*, 108; Udo Rüterswörden, *Das Buch Deuteronomium* (NSKAT 4; Stuttgart: Katholisches Bibelwerk, 2006), 43–44; and Labuschagne, *Deuteronomium deel IA*, 277.

490 Ezek 25:5, 7, 11, 17; 26:6; 28:22, 23, 24, 26; 29:6, 9, 16; 30:8, 19, 25, 26; 32:15.

491 Ezek 6:7, 10, 13, 14; 7:4, 9, 27; 24:24, 27.

492 MacDonald, *Deuteronomy and the Meaning of "Monotheism,"* 149.

493 An important conceptual parallel exists between Deut 4:35 and 29:5. Whereas most commentators are understandably interested in how 4:35 has been used in discussions regarding the nature of Israelite monotheism, my interest is more epistemological. In both verses, interpreted history, especially the special acts of YHWH on Israel's behalf, is the catalyst for a special relationship with YHWH.

494 Once again, this reading brings into sharper focus the important parallels that are readily recognised between Deuteronomy 4 and Deuteronomy 29–30. See f.n. 450 above.

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It seems, therefore, that the most natural way to understand Deut 29:5 is as a hint at how God has made himself known and how Israel might overcome its epistemological blockage. As Craigie incisively puts it,

> With the perspective of time, the Israelites could learn to see God's presence in their past experience, but it required insight and perception. God's participation in the course of human events was not always in a dramatic form, such as miracles. When we read today the accounts of Hebrew history, the divine perspective has already been provided, and it is easy to forget that for the Israelites in ancient times, beset by anxieties of various kinds, that perspective was not automatically present, but required from him the vision of faith. Hence there is a continual return to the theme in the address of Moses, in order that the audience might be brought to real *understanding* of the ways of God, real *seeing*, of the acts of God, and real *hearing* of the words of God. If the days ahead were to be successful, it was necessary to have this profound understanding which was so closely associated with faith in God.[495]

In other words, as far as YHWH is concerned, his miraculous acts in the past should act as a catalyst for knowledge that is future and ongoing.[496]

Epistemologically speaking, the acts of God mentioned in this text are interesting. In the first case, YHWH notes two acts that are easily overlooked: Israel's clothes and sandals did not wear out (29:4). Secondly, YHWH notes two acts that are easily taken for granted due to their frequent occurrence:[497] "you have not eaten bread" (ed., but instead have eaten Manna) "and you have not drunk wine or strong drink" (ed., but instead have drunk water from a rock). All of these miraculous acts are, over time, likely to be missed, yet God says to Israel that these blessings have taken place למען תדעו כי אני יהוה אלהיכם (verse 5). As Miller puts it,

> The experience of being guided and cared for in the wilderness time is a way of coming to know who is the Lord. Providence in this perspective is not a mystery to be pondered but a testimony to the rule and character of God. In that context [the miracles were] intended to elicit faith, to test whether the people recognized that security and well-

495 Craigie, *Deuteronomy*, 356 (emphasis original).

496 The usage of the verb ידע indicates for Botterweck that, "'To know Yahweh' refers to a practical, religio-ethical relationship." Idem, "יָדַע," *TDOT* 5:469.

497 This is the understanding of the 16th c. commentator Moshe Ḥefeẓ in his "Melekhet Maḥshevet." He writes, "the verse implies that the one who is vouchsafed a miracle is the last to appreciate the fact. We do not appreciate them until they are far away from us, since familiarity breeds contempt and they are regarded as natural and not supernatural phenomena. This was what Moses meant. You witnessed all those great wonders but only appreciated their full significance just now ,at this time, after they had receded from view, as if you had heretofore, lacked sight and hearing." Quoted from Leibowitz, *Studies in Devarim*, 292. Miller writes that "one can assume that the gifts received from God are 'natural' and to be expected. Deuteronomy seems to see a larger danger in forgetting the source of such gifts and believing that they are the result of one's own power and wealth." Idem, *Deuteronomy*, 204.

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> being are not products of human achievement but manifestations of a caring God. One can assume that the gifts received from God are "natural" and to be expected. Deuteronomy seems to see a larger danger in forgetting the source of such gifts and believing that they are the result of one's own power and wealth.[498]

In light of what has been said up to this point, the meaning of this phrase seems to reflect the deuteronomic call for national fidelity to YHWH.[499] God is inviting Israel to participate in a mutual and ongoing relationship with him. The imperfect form of ידע here should be read to indicate the intended continual nature of this relationship. Furthermore, this relationship is based upon the memory of the past, in particular the acts of God on behalf of Israel. The collective memory of the past acts of YHWH, then, becomes the foundation for the collective relationship with YHWH himself.

5.5. Conclusions

In the present chapter I have attempted to depict the cultural memory context of Israel as portrayed within the book of Deuteronomy. Of particular interest was Deuteronomy's presentation of Moses's audience as a new iteration of the nation of Israel, one which was absent (at worst) or immature (at best) during the foundational events of the nation's history, especially the Exodus from Egypt, the revelation of YHWH at Horeb, and the national rebellion at Kadesh Barnea. In conjunction with this presentation, I argued on the basis of Deut 4:1–8 for a particular reading of Moses's pedagogy that understands his concerns as centred on two conceptually parallel and mutually inclusive objects of relational devotion: YHWH himself on the one hand and YHWH's חקים and משפטים (4:1, 5, and 8), his דבר (verse 2), his מצות (verse 2), and his תורה (verse 8) on the other hand. Deuteronomy 4:1–8 establishes a moral parallel between how Israel treats YHWH's instructions and how Israel treats YHWH himself.

Furthermore, this pedagogical concern for encouraging Israel to live in faithfulness to YHWH is intensified by the claim of Deuteronomy that the very day on which Moses offers his address to Israel is the last day of his life and thus his last day as Israel's leader and teacher, establishing the gravity of his address. But how does Deuteronomy 4 function within this literary world to bring about the desired aim of fidelity to YHWH and his covenant? This is the concern of the next chapter, and the ending frame of Deuteronomy is essential to the argument. For if I am correct that the epistemological claim made in Deut 29:1–3 is that seeing an event does not guarantee understanding that event, then it can be

498 Idem, *Deuteronomy*, 203–204.

499 MacDonald, *Deuteronomy and the Meaning of "Monotheism."*

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argued, as I will, that Deuteronomy 4, through the use of cultural memory (specifically through a rhetorical device that I call "generational compression"), develops the reverse of that claim. That is, according to Deuteronomy 4, not seeing does not guarantee not understanding. In other words, although the generation that stands on the plains of Moab has no direct, personal memory of the Horeb theophany, that event can nonetheless become a central event in the life of each generation of Israel precisely because Israel is able to understand that event through mediated, transmitted cultural memory. Essentially, Deuteronomy 4 and 29 together establish a causal separation between sense perception and faithful obedience in a way that allows cultural memory to be based on something other than direct experience.

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6. Deuteronomy 4:1–40: The Rhetoric of Generational Compression

Keep the revelation at Mount Sinai well in mind in accordance with the divine precept to perpetuate the memory and not to forget this occasion. He enjoined us to teach it to our children so that they grow up knowing it, as He – exalted to the Speaker – says: "But take utmost care and watch yourselves scrupulously, so that you do not forget the things that you saw with your own eyes and so that they do not fade from your mind so long as you live. And make them known to your children and to your children's children: The day you stood before the Lord your God at Horeb" [Deut 4:9–10]. It is imperative, my fellow Jews, that you make this great spectacle of the revelation appeal to the imagination of your children. Proclaim at public gatherings its nobility and its momentousness. For it is the pivot of our religion and the proof that demonstrates its veracity.[500]

6.1. Introduction

In Chapters 2–4 I argued for the relevancy of a particular interpretive framework: incorporating canonical and cultural memory insights from Brevard Childs and Jan Assmann respectively. Next I offered a particular reading of Deuteronomy in order to establish understanding of the cultural memory context of Israel as depicted within the world of Deuteronomy. Building upon this, I will turn in the present chapter to the paraenesis of Deut 4:1–40 and, with all imaginative seriousness, offer a canonically informed, mnemohistorical reading. Moreover, I will seek to understand this text as a product and shaper of the cultural memory and identity of later communities of faith. In plain terms, I will argue that, through the rhetoric of compressing one generation into another, Deut 4:1–40 helps establish and maintain for Israel a cultural memory that is not based upon direct, sensory experience. Instead, at the textual level Deuteronomy 4 can be understood to intentionally and meaningfully constrict both the temporal divide between the

500 Maimonides, Epistle to Yemen, VI. Translation is taken from Abraham Halkin and David Hartman eds., *Epistles of Maimonides: Crisis and Leadership* (Philadelphia: JPS, 1985), 103–104.

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second (Moab) generation and its ancestors, who stood at Horeb and the temporal divide between the second (Moab) generation and its descendants, who will go into exile. Deuteronomy 4:1–40, then, depicts an unending moment. Demonstrating and exploring this rhetoric is the burden of the present chapter. In Chapter 7, my attention will turn to the implications of this rhetoric in Deut 4:1–40 (and the book more broadly). I begin the discussion here by addressing what it means for Deuteronomy to establish and perpetuate cultural memories.

6.2. Deuteronomy as Mnemotechnics[501]

In his *Cultural Memory and Early Civilization*, Jan Assmann offers his most sustained engagement with Deuteronomy and does so within a framework that suits his interest in cultural memory. Importantly, he begins his discussion of Deuteronomy with the following caveat:

> I am going to examine one of the foundational texts of both Judaism and Christianity from a purely cultural perspective, independently of religious history and theology. My focus will be on the fifth Book of Moses, Deuteronomy, as the basis of a form of collective mnemotechnics that was completely new at the time and that established a kind of cultural memory and identity along with a new kind of religion. Viewed in the context of cultural memory, what was new in this religion was not so much the content as the form.[502]

Leaving aside the question of whether culture can be studied independently of religious history and theology, let us follow Assmann's discussion.[503] He claims that "[Deuteronomy] develops an art of memory that is based on the separation of identity from territory."[504] What Assmann means is that the exilc setting[505]

501 Jan Assmann, *Cultural Memory and Early Civilization: Writing, Remembrance, and Political Imagination* (trans. by David Henry Wilson; Cambridge: Cambridge, 2011), 193.

502 Assmann, *Cultural Memory and Early Civilization*, 191.

503 This distinction becomes increasingly difficult to maintain as one moves forward in the history of the Jewish people. For one thing, it is impossible to unravel the Jewish people from their Jewish religion. Jon D. Levenson has likened this interconnectedness to being born a U.S. citizen under the American Constitution. Idem, "Covenant and Consent: Biblical Reflections on the Occasion of the 200th Anniversary of the United States Constitution," in *The Judeo-Christian Tradition and the U.S. Constitution: Proceedings of a Conference at Annenberg Research Institute, November 16–17, 1987* (ed. by David M. Goldenberg; Philadelphia: Annenberg Research Institute, 1989): 71–82.

504 Assmann, *Cultural Memory and Early Civilization*, 192.

505 He bases his claim on an historical reconstruction, an approach that uses the biblical text as a source in order to reconstruct the historical environment of Deuteronomy's writing and/or canonisation in order to interpret Deuteronomy according to that reconstructed setting. Assmann, *Cultural Memory and Early Civilization*, 191–192. He even says that "The biblical texts shed a great deal of light on this process [of internalising the traditions of Israel]." Op.

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behind the text of Deuteronomy and the fact that Deuteronomy's "truly foundational *lieux de mémoire* [i. e., Egypt, Horeb, Moab, the wilderness, etc.] lay outside the Promised Land"[506] enabled the exiles "to remember Jerusalem when they were away from it, for example, in Babylon. […] If one could be in Israel and think of Egypt, Sinai, and the wanderings in the wilderness, then one could be in Babylon and think of Israel."[507] However, given the data presented, I am hesitant to affirm his conclusion about Deuteronomy developing an "art of memory based on the separation of identity from territory" for at least three reasons.

First, Deuteronomy mentions Egypt (at least 47 times), Sinai or Horeb (at least 10 times), and the wilderness (מדבר, at least 19 times), but makes no explicit reference to Jerusalem, only to the place (המקום) where God will establish his name (לשום את־שמו שם, 12:5). Weinfeld reasons that to mention Jerusalem "might sound anachronistic."[508] This is not satisfactory, however, since the use of Moses as the voice of Deuteronomy is clearly an anachronism according to any critical view of Deuteronomy's dating. Further biblical examples could be given, moreover, to illustrate that the biblical writers were not concerned by anachronisms. It is also telling that the textual support that Assmann provides for his claim comes not from Deuteronomy, but from Ps 137:5, "If I forget you, O Jerusalem, let my right hand wither!"[509] I remain unconvinced that the object of Deuteronomy's memory making techniques (if that is Jerusalem) is left unmentioned in any explicit terms in the book.

Secondly, Deuteronomy seems rather to display a preoccupation with the identity of Israel *within* the land, because, although given outside the land, the laws can only be obeyed within it. An example of this understanding is succinctly available in Tigay's treatment,

> All of Deuteronomy looks toward Israel's life in the promised land. The land of Israel, the focus of God's promises to the patriarchs, is His ultimate gift to their descendants. It is the place where God's laws are to be carried out and where a society pursuing justice and righteousness (4:5–8) and living in harmony with God (7:12–13) can be established.[510]

cit., 192. But this approach is injurious to the received form, because it begins with the assumption that the received form of the texts is simultaneously adequate as a source for historical reconstruction and inadequate for meaningful interpretation on its own terms.

506 Assmann, *Cultural Memory and Early Civilization*, 192.

507 Ibid. For a more positive reading of Assmann in this respect, see Dominik Markl, "Die Kirche als Migrantin: Zu den biblischen Ursprüngen des sich wandelnden Gottesvolkes," in *Kirche im Wandel: Ekklesiale Identität und Reform* (QD 306; ed. by Stefan Kopp; Freiburg: Herder, 2020): 83–99.

508 Moshe Weinfeld, *Deuteronomy and the Deuteronomic School* (Oxford: Oxford, 1972), 6.

509 Assmann, *Cultural Memory and Early Civilization*, 192.

510 Jeffrey Tigay, *Deuteronomy (Devarim)* (Philadelphia: JPS, 1996), xvi.

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If Tigay is correct that *all* of Deuteronomy is focused on life within the land, then Assmann's claim that Deuteronomy seeks to facilitate memory "based on the separation of identity from territory" becomes problematic. Instead, Deuteronomy would seem to function for the purpose of *strengthening* the link between Israel and the land by making a life of obedience to the law outside Canaan unimaginable – or at least not the ideal – even though that law was given outside the land. The instructions of 12:13–14, for example, strengthen Israel's connections to the land of promise:

> השמר לך פן־תעלה עלתיך בכל־מקום אשר תראה: כי אם־במקום אשר־יבחר יהוה באחד שבטיך שם תעלה עלתיך ושם תעשה כל אשר אנכי מצוך:
>
> Take care that you do not offer your burnt offerings at any place you happen to see. But only at the place that the Lord will choose in one of your tribes – there you shall offer your burnt offerings and there you shall do everything I command you.

According to my reading, the staging of Deuteronomy outside the land, then, is meant to heighten the national longing for life within the land. Perhaps, however, this is to affirm Assmann's point from a different angle. From the exilic perspective, Israel can exist outside of the land while longing to be back within the land because of Deuteronomy's way of constructing a memory.

Finally, if Deuteronomy's art of memory is based on the separation of anything, it seems to me to be the separation between communal identity (cultural memory) and direct experience (personal memory). On one hand, this is self-evident, for what other form of cultural memory that develops over time is there? On the other hand, this statement is necessary given the textual world of Deuteronomy and the observations in 5.4. above. The separation between the identity of the second generation standing on the plains of Moab and that generation's personal experiences of the past is seen as problematic within the world of Deuteronomy; it is a problem that Deuteronomy's art of memory seeks to overcome. This separation is problematic if for no other reason than the fact that the covenant formulation between YHWH and Israel is based on a shared history crystallised in the historical prologue of the covenant formula.[511]

Yet Assmann still has much to offer the discussion going forward, particularly in relation to how Deuteronomy might function to establish and preserve a cultural memory for Israel. According to Assmann, Deuteronomy exhibits eight mnemotechnics, "techniques of cultural memory," namely: 1) Awareness: learning by taking to heart (6:6 and 11:18); 2) Education of future generations

511 Jon D. Levenson, *Sinai and Zion: An Entry into the Jewish Bible* (New York: Harper Collins, 1985), 27–28 and 36–42; also Weinfeld, *Deuteronomy and the Deuteronomic School*, 69–70.

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(6:7); 3) Visibility: markings on bodies (6:8 and 11:18); 4) Liminal symbolism:[512] inscriptions on doorposts (6:9 and 11:21); 5) Storage and publication: inscriptions on whitewashed stones (27:2–8); 6) Festivals of collective memory (16:3, 12; 31:9–11); 7) Oral tradition: poetry as a codification of historical memory (31:19–21); and 8) Canonisation of the text of the covenant (Torah) as the basis for literal observation (4:2, 12:32, 31:9–11).[513]

I do not wish to challenge any of these proposed mnemotechnics, though one could (and some have).[514] I will instead argue for the presence of one further mnemotechnic in Deuteronomy by looking directly at the text of 4:1–40. Assmann never claims that his list is comprehensive and his discussion implicitly leaves the possibility of expansion open. I hope to capitalise on that opportunity in my discussion below by arguing that Deut 4:1–40 helps establish Israel's cultural memory through the rhetorical compression of Israel's generations into one another.

6.3. Deuteronomy 4:1–40: The Rhetoric of Generational Compression

As with any term, what I am calling "generational compression" suffers from an inherent limitation in what it can and cannot convey. What I have in mind, however, is the rhetorical aim of portraying a later generation *as if* it possesses the same experiences as an earlier generation – or *vice versa*[515] – such that they are rhetorically compressed into one another regardless of natural temporal limitations. They are not (in most cases) made into a singularity; they are not to be seen as identical except perhaps in some "mystical" sense.[516] A brief textual example may suffice here to demonstrate what I mean.

512 What Assmann calls "limitische Symbolik," but is translated as "limitic [*sic*] symbolism." Idem, *Das kulturelle Gedächtnis: Schrift, Erinnerung und politische Identität in frühen Hochkulturen* (München: C. H. Beck, 1997), 219; and idem, *Cultural Memory and Early Civilization*, 197 respectively.

513 Assmann, *Cultural Memory and Early Civilization*, 196–199. Confusingly, A.J. Culp has identified seven such mnemotechnics in the writings of Assmann; idem, "The Memoir of Moses: Deuteronomy and the Shaping of Israel's Memory" (Ph.D. diss., University Of Bristol and Trinity College, 2012), 18 and 149. This judgment, however, is based on Assmann's preliminary discussions in his introduction to Assmann, *Cultural Memory and Early Civilization*, 18–19 rather than his detailed list of eight mnemotechnics in op. cit., 196–199.

514 Culp, "The Memoir of Moses," 149–150.

515 This is an important caveat given the complex generational dynamics inherent to Deuteronomy.

516 The mystical presence of all Jewish souls at Sinai is a well-known midrash on Deut 29:14. *Midr. Tanḥ. Nitzavim* 3. See also *m. ʾAbot* 1:1 and Rashi on Deut 29:14.

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In 4.2.2. above I briefly discussed the four sons of the Passover Haggadah. Here, however, I wish briefly to discuss the question asked by the "wise son" (Deut 6:20) and the answer that is to be given him (verse 21). Although the answer that the Haggadah instructs is somewhat puzzling, the biblical answer is plainer.[517] These two verses are highly instructive, and seeing the two verses together will help convey what I mean by the term "generational compression:"

כי־ישאלך בנך מחר לאמר מה העדת והחקים והמשפטים אשר צוה יהוה אלהינו אתכם: ואמרת לבנך עבדים היינו לפרעה במצרים ויוציאנו יהוה ממצרים ביד חזקה:

When your [child asks] you in time to come, "What is the meaning of the decrees and the statutes and the ordinances that the Lord our God has commanded you?" then you shall say to your children, "We were Pharaoh's slaves in Egypt, but the Lord brought us out of Egypt with a mighty hand."

Considering the use of personal pronouns in these verses, the reader sees an interesting development. First, the use of בנך in verse 20 indicates that the parents of these בנים constitute the generation born in the wilderness after the Exodus, and, as I argued in the previous chapter, cannot be assumed to have their own direct experiences of that event. This means that this generation's own בנים likewise have no personal, experiential knowledge of this event. Furthermore, the children of the Moab generation are two generations removed from those events.

Secondly, the reader sees that the child's question ends with the fascinating dependent clause אשר צוה יהוה אלהינו אתכם ("that YHWH our God has commanded you"). The answer, however, does not accept this rhetorical distancing between the child and the commands of YHWH. Instead, verse 21 begins the parent's scripted answer which brings the child into the experiences of the nation from the time of the Exodus to the receiving of the law (verses 24–25):

ויצונו יהוה לעשות את־כל־החקים האלה ליראה את־יהוה אלהינו לטוב לנו כל־הימים לחיתנו כהיום הזה: וצדקה תהיה־לנו כי־נשמר לעשות את־כל־המצוה הזאת לפני יהוה אלהינו כאשר צונו:

And the Lord commanded us to do all these statutes, to fear the Lord our God, for our good always, that he might preserve us alive, as we are this day. And it will be righteousness for us, if we are careful to do all this commandment before the Lord our God, as he has commanded us. (ESV)

517 The Haggadah dictates that the parent is to answer as follows:
וְאַף אַתָּה אֱמוֹר לוֹ כְּהִלְכוֹת הַפֶּסַח: אֵין מַפְטִירִין אַחַר הַפֶּסַח אֲפִיקוֹמָן:
And you should say to him, according to the laws of Passover, "one may not indulge in revelry after the paschal meal."
Joseph Tabory comments here that, "Many scholars have suggested that the response is not meant to imply that forbidding the *afikoman* is the most important law of Pesach. It should rather be understood as quoting the last law in the Mishnah (*Pesach* 10:8), which deals with the Seder. Thus the implication is that one should teach the wise child all the laws, until the very last one. Idem, *JPS Commentary on the Haggadah: Historical Introduction, Translation, and Commentary* (Philadelphia: JPS, 2008), 86.

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The contrast between the child's question and the parent's answer is startling, especially in light of the fact that this is a scripted answer for all future generations. Whereas the child is willing to associate with YHWH ("the Lord *our* God"), the child is less willing to associate with YHWH's law ("has commanded *you*"). The parent, however, brings the child into the collective experience of the nation. The parent's answer not only confirms that YHWH is "the Lord *our* God," but also brings the child into the Exodus experience (verse 21, "*we* were Pharaoh's slaves in Egypt, but the Lord brought *us* out of Egypt"), and the receiving/keeping of the law (verse 24, "the Lord commanded *us* to observe all these statutes").

Due to its clear rhetoric and its reception in Jewish life through the Haggadah, this example is helpful in demonstrating what I mean by generational compression. Moreover, this example introduces the purpose of such rhetoric: to establish the covenantal relationship between Israel and YHWH as an enduring reality regardless of later generations's inability to have directly participated in the foundational moments of the nation's past.[518] As the discussion moves forward, moreover, it is helpful for the reader to understand where the discussion of generational compression will eventually lead. In the present chapter, I will begin to introduce the essential relationship between cultural memory and covenant making/keeping. This relationship will be probed further in the next chapter, but will be established exegetically here.

6.3.1. Verses 1–8

Verses 1–8 constitute the introduction to the paraenesis (Deut 4:1–40),[519] comprising a command (verses 1–2), a warning (verses 3–4), and a promise (verses 5–8),[520] and as these verses were discussed in the previous chapter for the purpose of establishing the pedagogical concerns of Moses within Deuteronomy, I will not add much here, except as it pertains to the relationship between memory and covenant.

Deuteronomy 4 begins with the well-known, "And now [...]," which marks the transition from historical reflection to "moral-religious lesson that is to be drawn

518 This is one of the aims of Deuteronomy. Brevard S. Childs, *Introduction to the Old Testament as Scripture* (London: SCM, 1979), 214–215.

519 Eckart Otto, *Deuteronomium* (4 vols.; HThKAT; Freiburg: Herder, 2012), 527. See also Knut Holter, *Deuteronomy 4 and the Second Commandment* (StBibLit 60; New York: Peter Lang, 2003), 13 and 102.

520 See 5.3.2. as well as Stephen D. Campbell, "Life Worth Living: A Case for Rhetorical Coherence in Deut 4:1–8" (paper presented at the summer meeting of the Society for Old Testament Study; Durham, England, July, 19 2018).

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from it."[521] This same transition is also present at Deut 10:12, which follows from the historical account in 9:7–10:11. In both cases, what Driver has to say seems to hold weight, "*And now*] introducing the practical conclusion which the Writer desires to be drawn from the preceding retrospect."[522] The question of what practical conclusion lies at the heart of this paraenesis is explicitly given here in verse 1 and repeated throughout the chapter. In light of Israel's national history presented in chapters 1–3, Moses exhorts Israel to "listen to the statutes and ordinances" in order that they might "do" (לעשות) them. This observance is envisaged as taking place "in the land." Yet life in the land is dependent upon holding fast (דבק) to YHWH, which is evidenced by (and flows out of) Israel's careful regard for keeping the words of YHWH spoken through Moses his prophet.

In contrast, disregard for the words of YHWH is evidenced by abandoning the Lord and "following after" (הלך אחרי) the Baal of Peor. Interestingly, although Deuteronomy repeatedly forbids worshiping foreign gods,[523] Deut 4:3 is the only explicit reference to any such foreign god; and although the term בעל does occur elsewhere in Deuteronomy (15:2, 22:22, and 24:4), this is the only use of the term in reference to a deity.[524] Furthermore, this reference to the Baal of Peor appears without preamble, explanation, or amplification; the readers and hearers evidently are expected to understand the significance of this reference to the Baal of Peor as well as the resonances that come with it from outside Deuteronomy. The three references to the Baal of Peor outside of Deuteronomy help the reader understand the issue still further. Numbers 25:2 and Ps 106:28, both using the Niphal of צמד, indicate that Israel was "yoked to/joined to" the Baal of Peor. In the case of the latter text, the psalmist adds the poetic interpretation that Israel thus "ate the sacrifices of the dead" (ויאכלו זבחי מתים). In a sense "they are what they eat." In Hos 9:10, the prophet claims that by going to the Baal of Peor, Israel consecrated (נזר) itself to shamefulness (בשת) and became as the detestable

521 Moshe Weinfeld, *Deuteronomy 1–11* (AB 5; New York: Doubleday, 1991), 199. See also idem, *Deuteronomy and the Deuteronomic School*, 175. For thematic reasons, literary critics have often attempted to distinguish between Deuteronomy 1–3 and Deuteronomy 4. Nathan MacDonald, however, has argued for thematic interrelationship between these chapters; idem, "The Literary Criticism and Rhetorical Logic of Deuteronomy I–IV," *VT* 56 (2006): 203–244.

522 S.R. Driver, *Deuteronomy* (3d. ed.; Edinburgh: T&T Clark, 1902), 62.

523 This dt. feature is discussed in Judith M. Hadley, "The de-deification of deities in Deuteronomy" in *The God of Israel* (UCOP 64; ed. by Robert P. Gordon; Cambridge: Cambridge, 2007) 157–174.

524 One possible reason for this is that Deuteronomy 4 is primarily concerned with idolatry in the form of making images of YHWH rather than of the worship of foreign deities; Thomas A. Judge, *Other Gods and Idols: The Relationship Between the Worship of Other Gods and the Worship of Idols within the Old Testament* (LHBOTS 647; London: Bloomsbury T&T Clark, 2019), 72–75.

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objects of its love (ויהיו שקוצים כאהבם). Therefore, in every case (Deut 4:3, Num 25:2, Ps 106:28, and Hos 9:10), devotion to the Baal of Peor leads directly to death.[525] For Moses's audience, this is a road that must not be followed, a choice that must not be replicated.

In sharp contrast to this casual "following after" or being "yoked to" the Baal of Peor that leads to death, Deut 4:4 calls Israel to "cleave to" (דבק) YHWH, an action that leads to life in the land and wisdom before the nations. Importantly, דבק is used at 10:20, 11:22, 13:5, and 30:20 in Qal to promote adherence to the Lord's statutes and commandments. The way Israel treats the Lord's instruction through Moses is a direct reflection of how Israel treats the Lord himself; the outcome – whether life or death – is the true indicator of where Israel's devotion is. The outcome of hitching up with the Baal of Peor is death, whereas the outcome of devoting and cleaving to YHWH is abundant life within the land, reflected by Israel's just laws and the closeness of YHWH when Israel calls upon him (verses 7–8).

Targum Pseudo-Jonathan (T^J) adds a particularly interesting elaboration here at 4:7 which indicates how the nearness of YHWH is to be conceived.

> For what people so great, to whom the Lord is so nigh in the Name of the Word of the Lord? But the custom of (other) nations is to carry their gods upon their shoulders, that they may seem to be nigh them; but they cannot hear with their ears, (be they nigh or) be they afar off; but the Word of the Lord sitteth upon His throne high and lifted up, and heareth our prayer what time we pray before Him and make our petitions.[526]

By insisting that the nearness of YHWH is not to be conceived in terms of his spatial proximity, but rather in YHWH's ability to hear Israel's prayers, T^J reflects Moses's treatment of idolatry in the remainder of the paraenesis. The temptation, as this text indicates, is to build physical representations that can be close at hand. And yet, even though the Lord is seated upon his throne in heaven above, he alone has the power to hear prayer. This privilege of being heard by YHWH, moreover, is not a guaranteed result of being the people of YHWH, but rather a result of cleaving to YHWH and keeping his statutes and commandments. This is indicated through the contrast between life (associated with YHWH devotion) and death (associated with following foreign deities) in verses 1–4, and is further developed in the next verses as well. For the world within the text, this is the

525 In fact, there are important connections between the Baal of Peor and the cult of the dead. Hadley, "The de-deification of deities," 173–174; Klaas Spronk, "Baal of Peor," *DDD*, 147–148.

526 Translation of J.W. Etheridge, *The Targums of Onkelos and Jonathan ben Uzziel on the Pentateuch: with the fragments of the Jerusalem Targum* (London: Longman, Green, Longman, and Roberts, 1862–1865).

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rhetorical purpose of mentioning the Baal of Peor. The words of Moses are emphatically clear, עיניכם הראת את אשר־עשה יהוה בבעל פעור.[527]

Whether or not this generation was present at this great plague event (the account of "what happened" is in Num 25:1–5) is difficult to determine. However, it seems this is the case in light of the claim of verse 4 that ואתם הדבקים ביהוה אלהיכם חיים כלכם היום (while those of you who held fast to the Lord your God are all alive today). The deuteronomic use of היום – as a reference to the day on which Moses gives this address to Israel as well as the nation's physical presence at a place opposite Peor (3:29) on that same day – gives a strong indication that Moses's audience is the generation that held fast to YHWH whilst some of that same generation followed after the Baal of Peor. If this is true, then the implications going forward are not unimportant. What I have in mind here is the continued rhetoric of personal, sensory experience of Horeb when, as discussed in the previous chapter, according to the world of the text this generation of Israel on the plains of Moab had no direct experiences of Horeb. In other words, the rhetoric of Moses makes no discernible distinction between Israel's direct memory of God's actions at Baal Peor (verse 3) or Israel's direct perception of the created order (verses 15–24), on the one hand, and Israel's transmitted memory of God's presence at Horeb, on the other.

6.3.2. Verses 9–14

It is a truism that Deuteronomy 4 repeatedly appeals to Israel's memory. However, it is the function of these appeals to memory within the context of the covenant community as well as later tradents that is the focus here. My argument is that the rhetoric of generational compression is generative for cultural memory and facilitates the possibility of an enduring covenant relationship between Israel and YHWH. I now turn to verses 9–14, which constitute a transition from the introduction to the paraenesis to Moses's treatment of the formal establishment of the covenant between Israel and its suzerain YHWH.[528]

527 For a close parallel to this construction see Deut 3:21:
עיניך הראת את כל־אשר עשה יהוה אלהיכם לשני המלכים האלה
Yours are the eyes that saw all that the Lord your God did to these two kings. (AT)
This particular construction appears four times in Deuteronomy. The notable case of 11:7 is discussed further in 7.4.1. as it presents a possible counter-argument to my overall thesis.

528 Levenson has argued with others that "according to the Pentateuchal story, Israel first enters covenant not in the generation of Moses but in that of Abraham, and this Patriarchal Covenant, whose keynote is promise rather than conditionality (Gen 15; 17), was never offered and never negotiated but only announced. In other words, Israel already stands within a covenant with YHWH when they first approach Sinai, and in fact it is God's fidelity to this covenant that accounts for their preservation to that point." Levenson, "Covenant

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By way of a transition, verse 9 comes not only as a command, but primarily as a stipulation (רק), a requirement for the fulfilment of YHWH's promises.[529] If Israel desires to enter, to possess, and to live long in the land that the Lord is giving it (verse 1); if Israel desires to be wise and discerning in the eyes of its neighbours (verse 6); and if Israel desires God to be near and hear its prayers (verse 7); then Israel must be exceedingly careful not to forget Sinai. As Weinfeld expresses it, "Forgetting the revelation at Sinai is like renunciation of the soul, that is, denial of the very existence of the nation."[530] Indeed, the text is emphatic nearly to the point of creating difficulty for the reader: רק השמר לך ושמר נפשך מאד. Israel is to be careful, פן־תשכח את־הדברים אשר־ראו עיניך ופן־יסורו מלבבך ("lest you forget the things that your eyes have seen and lest they depart from your heart," AT). This command to be careful is similarly repeated in verse 15 (ונשמרתם מאד לנפשתיכם) and again in verse 23 (השמרו לכם פן־תשכחו את־ברית יהוה אלהיכם אשר כרת עמכם). These commands serve both to give the paraenesis structure and to elevate the gravity of Moses's appeal to remember.

And what is Israel to remember? The command of verse 9 is that Israel must be careful not to forget any of "the things which your eyes saw" (את־הדברים אשר־ראו עיניך), an emphatic deuteronomic phrase.[531] Although the language of sensory perception in Deuteronomy 4 is clear and unambiguous, it is often taken for granted by interpreters. For example, Wilson notes:

> In referring to the first giving of the law the writer is primarily interested in emphasizing those aspects of the event which the *Israelites* personally experienced. The positioning of vv. 10–14 immediately after v. 9, which is generally regarded as coming from the same hand, and which exhorts Israel not to forget the things "which [*their*] eyes have seen," leads one to anticipate that the account will concentrate on what the people themselves

and Consent," 77–78. See also Moshe Weinfeld, "The Covenant of Grant in the Old Testament and in the Ancient near East," *JAOS* 90 (1970), 185. Here, Weinfeld makes a distinction between two types of covenants, the grant (e.g., Abrahamic) and the treaty (e.g., Mosaic). He writes, "While the 'treaty' constitutes an obligation of the vassal to his master, the suzerain, the 'grant' constitutes an obligation of the master to his servant. In the 'grant' the curse is directed towards the one who will violate the rights of the king's vassal, while in the treaty the curse is directed towards the vassal who will violate the rights of his king. In other words, the 'grant' serves mainly to protect the rights of the servant, while the treaty comes to protect the rights of the master. What is more, while the grant is a reward for loyalty and good deeds already performed, the treaty is an inducement for future loyalty." See also idem, *Deuteronomy and the Deuteronomic School*, 74–75.

529 Jack R. Lundbom, *Deuteronomy: A Commentary* (Grand Rapids: Eerdmans, 2013), 238; and James E. Robson, *Deuteronomy 1–11: A Handbook on the Hebrew Text* (BHHB; Waco: Baylor, 2016), 138. See also R. Ishmael's treatment of Heb. particles in *Pesaḥ.* 22b and *Gen. Rab.* 22:1ff.; Bruce K. Waltke and M. O'Connor, *IBHS*, 668–669; and B. Jongeling, "La particule רק," *OtSt* 18 (1973): 97–107.

530 Weinfeld, *Deuteronomy*, 203.

531 Lundbom, *Deuteronomy*, 179 and 223; Driver, *Deuteronomy*, 24; and Weinfeld, *Deuteronomy*, 148 and 189; idem, *Deuteronomy and the Deuteronomic School*, 173.

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> had experienced on that occasion. […] As to which aspect of their experience is highlighted, in v. 9 the people are exhorted not to forget what they themselves have seen.[532]

However, as a result of Wilson's reading strategy, he fails to note that this present generation, rhetorically placed at the foot of the mountain, was not there according to the world of Deuteronomy. Yet Wilson's tone helps to reinforce the argument that the rhetoric of perception in Deuteronomy 4 is meaningful.

There has not been a consensus among scholars regarding what these "things" (הדברים) are which Israel is said to have seen, because, as Perlitt has pointed out, the text is not explicit.[533] This does not mean, however, that nothing can be said here. The matter revolves around whether הדברים is functioning anaphorically to refer to what has come before (or above) or cataphorically to what refer to what comes after (or below).[534] In the case of the anaphoric view, many commentators argue that הדברים refers to what YHWH did at Baal Peor, an understandable reading considering the parallel reference to Israel's eye-witness memory of that event and its subsequent importance to the introduction of the paraenesis. Perlitt, though, argues that הדברים refers to what God did in the Exodus and wilderness period because of the importance of Deuteronomy 1–3 to establish the context of the paraenesis (i. e., verse 1's ועתה).[535] In the case of the cataphoric reading, הדברים refers to the Horeb theophany discussed in verses 10ff.

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532 Ian Wilson, *Out of the Midst of the Fire: Divine Presence in Deuteronomy* (SBLDS 151; Atlanta: Scholars, 1995), 51 (emphasis original).

533 Lothar Perlitt, *Deuteronomium 1–6* (BKAT V/1; Neukirchen-Vluyn: Neukirchener Verlag, 1990–2013), 318.

534 The cataphoric view is taken up by Weinfeld, *Deuteronomy*, 203; Georg Braulik, *Die Mittel Deuteronomischer Rhetorik: Erhoben aus Deuteronomium 4,1–40* (AnBib 68; Rome: Biblical Institute, 1978), 30; Karen Finsterbusch, "Die kollektive Identität und die Kinder: Bemerkungen zu einem Programm im Buch Deuteronomium," in *Gottes Kinder* (JBTh 17; ed. by Martin Ebner et al.; Neukirchen-Vluyn: Neukirchener Verlag, 2002), 100. See also Georg Braulik, "'Die Worte' (*hadᵉbārîm*) in Deuteronomium 1–11" in *"Gerechtigkeit und Recht zu üben" (Gen 18,19): Studien zur altorientalischen und biblischen Rechtsgeschichte, zur Religionsgeschichte Israels und zur Religionssoziologie* (BZAR 13; ed. by Reinhard Achenbach and Martin Arneth; Wiesbaden: Harrassowitz, 2009): 200–216 (esp., 204–205). The anaphoric view is taken up by Dietrich Knapp, *Deuteronomium 4: Literarische Analyse und theologische Interpretation* (GTA 35; Göttingen: Vandenhoeck & Ruprecht, 1985), 47; and Perlitt, *Deuteronomium*, 318.

535 Ibid. Rashi understands הדברים as "words" and reads this verse as an anaphoric reference to the "words" of v. 2 and their subsequent treatment in vv. 5–8. He writes of 4:9, "'But take utmost care and watch yourselves scrupulously, so that you do not forget.' As long as you do not forget them, and you continue to perform them scrupulously, you will be considered wise and discerning. If you bend the rules out of forgetfulness, you will be considered foolish." The use of ראה, however, is problematic for this interpretation. Thus, Nahmanides writes, "Rashi's comment is completely wrong. This verse is in my opinion a prohibition of its own: 'Take utmost care to remember *where* these commandments came to you from.' Never forget the things you saw and heard when you stood at Sinai!" (comment to Deut 4:9).

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Although adjudicating between these readings is not straightforward, I think the strongest evidence is on the side of reading הדברים cataphorically as a reference to the Horeb theophany. One of the strongest supports for this reading is the link between the final command of verse 9 to "make them known to your sons" and the accompanying reference to sons at the end of verse 10 which links the command of verse 9 to remember הדברים to YHWH's summary of Horeb in verse 10:

> רק השמר לך ושמר נפשך מאד פן־תשכח את־הדברים אשר־ראו עיניך ופן־יסורו מלבבך כל ימי חייך והודעתם לבניך ולבני בניך:
> יום אשר עמדת לפני יהוה אלהיך בחרב באמר יהוה אלי הקהל־לי את־העם ואשמעם את־דברי אשר ילמדון ליראה אתי כל־הימים אשר הם חיים על־האדמה ואת־בניהם ילמדון:
>
> But take utmost care and watch yourselves scrupulously, so that you do not forget the things that you saw with your own eyes and so that they do not fade from your mind as long as you live. And make them known to your children and to your children's children:
>
> The day you stood before the Lord your God at Horeb, when the Lord said to Me, "Gather the people to Me that I may let them hear My words, in order that they may learn to revere Me as long as they live on earth, and may so teach their children." (NJPS)

Accordingly, the instruction in verse 9 to "make *them* known," which refers back to הדברים, in turn refers forward to the event that is to be remembered (יום אשר עמדת לפני יהוה אלהיך בחרב). Thus the NJPS translators place a colon between verses 9 and 10. This reflects the reading (which I would advocate) that the Horeb theophany is the essence of the "things" that must not be forgotten.[536] This event must not be forgotten and must be taught to Israel's children because it is by remembering these events (the sights and sounds of God's appearing and speaking to the people at Horeb) that Israel will learn to fear (יראא) YHWH, and it is by making these events known to its children that they too will learn to fear YHWH.

In an essential way, these verses bring the discussion back to the words of Maimonides, with which this chapter opened and which I repeat in an abbreviated form here. After quoting Deut 4:9, Maimonides writes,

> It is imperative, my fellow Jews, that you make this great spectacle of the revelation appeal to the imagination of your children. Proclaim at public gatherings its nobility and its momentousness. For it is the pivot of our religion and the proof that demonstrates its veracity.[537]

Maimonides helps the discussion move forward by using verses 9–10 to indicate the vital importance of the Horeb event and to explicate how this event can be

536 Finsterbusch, "Die kollektive Identität und die Kinder," 100.
537 Maimonides, Epistle to Yemen, VI.

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used in the life of Jewish families. In what way, however, can Horeb be said to demonstrate the veracity of the Jewish religion? At this point, Nahmanides may help. He writes:

> The benefit of this command [to make them known to your children] is great indeed. If we had originally heard the Torah only from the lips of Moses, then despite the fact that his prophecy was confirmed by signs and portents, still, suppose another "prophet or dream-diviner" (13:2) should appear and, giving us a sign or a portent, command us to do just the opposite of what the Torah says? This might put doubt in some people's hearts. But since the Torah came to our ears and eyes directly from the mouth of the Almighty, without intermediary, we can easily reject a disputer, a doubter, or a deceiver. […] When we pass this tradition down to our children, they too will know, as surely as if every generation had seen it for themselves, that it is true without a doubt.[538]

Horeb is foundational for Israel because YHWH spoke to Israel directly and caused Israel to hear his words without the mediation of Moses, an interpretation of Deuteronomy 4 which I will attempt to qualify in an excursus below but, nonetheless, moves the discussion forward to verses 11–14.[539]

Whereas verse 10 contains the quoted speech of YHWH, verse 11 begins Moses's own account of the Horeb theophany, which begins with the important reminder that "You approached and stood at the foot of the mountain (תחת ההר)."[540] One of the most interesting features of this text is that this generation that is said to have "approached and stood at the foot of Horeb," is none other than the children who are to be on the receiving end of the Exodus generation's instruction (verse 10).[541] As readers it is all too easy to proceed through verses 10–

538 Comment to Deut 4:9.

539 The rhetorical presentation of Deuteronomy as the speech of Moses is the reason the idea expressed in Maimonides's statement – that Israel heard the voice of YHWH directly rather than through the mediation of Moses – must be evaluated closely. Other effects of this distinctive presentation of Moses are explored in Jean-Pierre Sonnet, *The Book within the Book: Writing in Deuteronomy* (BIS 14; Leiden: E.J. Brill, 1997).

540 Mekhilta d'Rabbi Ishmael (comment on Exod 19:17) states the following:

> בתחתית ההר] מלמד שנתלש ההר ממקומו וקרבו ועמדו תחת ההר
>
> "and they stood under the mountain:" We are hereby apprised that the mountain was torn from its place and they came forward and stood under the mountain.

Among other texts, the following contain interesting discussions of this fascinating halachic midrash: Jonathan Kaplan, *My Perfect One: Typology and Early Rabbinic Interpretation of Songs of Songs* (Oxford: Oxford, 2015), 72–74; and Amram Tropper, "A Tale of Two Sinais: On the Reception of the Torah according to *b Shab 88a*" in *Rabbinic Traditions between Palestine and Babylonia* (*AGJU* 89; ed. by Ronit Nikolsky and Tal Ilan; Leiden: E.J. Brill, 2014), 151.

541 If this textual observation is correct (see also the discussion of Deut 4:32 in 6.3.5., as well as the discussion in 7.3.2. and 7.3.3. of generational compression beyond Deuteronomy 4), then Yosef Hayim Yerushalmi's comment that "Unlike the biblical writers the rabbis seem to play with Time as though with an accordion, expanding and collapsing it at will" requires

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14 without recognising that these two generations (those who stood at the foot of Horeb and their children who are meant to be taught through this event to fear YHWH) are conflated between verses 10 and 11.[542] Note that in God's quoted speech (verse 10) he says to Moses, "Assemble the people (i. e., the Exodus generation) to me, and I will let them hear my words, so that they may learn to fear me as long as they live on the earth, and may teach their children (i. e., the second generation) to do likewise." The first references to the people are clearly references to the Exodus generation. They are to assemble at the mountain, learn to fear the Lord, and teach their children also to fear the Lord. After this quoted speech of YHWH concludes, Moses continues by relating the events of that day, "you approached and stood at the foot of the mountain." Here the "you" refers to Moses's audience on the plains of Moab, that is, the children of the Exodus generation.[543] With this rhetoric, Moses has turned the "their children" of verse 10 into the "you" of verse 11.[544] Without explanation Moses's audience on the plains of Moab is at one moment depicted within the category of "children" needing parental instruction (verse 10) and at another moment addressed as those who themselves have had the experiences of Horeb (verse 11). In other words, in verse 10, the Moab generation is the children, and in verse 11 this same generation is the "you" of Moses's address and his appeals to memory.

Fundamentally, this "you," namely Moses's audience, is said to have approached and stood at the foot of Horeb. There they experienced remarkable sights and sounds; but as I will argue below, what they *did not* see is just as important as what they *did* see, if not more. What Israel saw there was that "the mountain burned with fire to the very heart of the heavens: darkness, cloud, and thick cloud" (וההר בער באש עד־לב השמים חשך ענן וערפל, 4:11). Additionally, the two tablets of stone (שני לחות אבנים, 4:13) are mentioned as visible artefacts, objects of memory, in a manner that is reminiscent of Og's magnificent bedstead. Both objects are spoken of as verifiable and observable. Indeed T^J for Deut 3:11 notes that Og's bed is "in the archive house in Rabbath" (הא היא יהיבא בבית ארכיון

modification. Idem, *Zakhor: Jewish History and Jewish Memory* (Seattle: Washington, 1996), 17.

542 According to Perlitt, this conflation of the generations creates a literary-critical problem, but not a theological one. He writes, "Die Gleichzeitigkeit der Generationen (V. 10: 'du standest […] am Horeb') wäre hier nur aussagbar wenn man Dtn 4 nicht als organische Fortsetzung der Moseerzählung von Dtn 2f. liest, denn nach 2,14 war nach den 38 Jahren des Zuges von Kadesch her jene ganze (Horeb-)Generation weggestorben. Das ist jenenfalls zu bedenken, wenn man dieser 'Gleichzeitigkeit' der Generationen hier besonderes theologisches Gewicht gibt." Idem, *Deuteronomium*, 318. See also Childs, *Introduction to the Old Testament*, 214.

543 Finsterbusch, "Die kollektive Identität und die Kinder," 101.

544 Richard D. Nelson has noticed this rhetoric as well in his *Deuteronomy: A Commentary*; (OTL; Louisville: Westminster John Knox, 2002), 66.

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ברבת).[545] Similarly, Lindquist has recently proposed that the bed of Og was a trophy of war.[546] My point is that if Moses's hearers seek tangible evidence that is authoritative and conclusive testimony of the things which they heard at Horeb, they need look no further than the two stones inscribed by the very finger of YHWH (Deut 4:13, 9:10, and 10:4).[547]

What stands out, however, is the clear departure from what "actually happened" (Exodus 19–20) – and even what YHWH describes (Deut 4:10) – to what Moses describes (verse 11–14). If this were a one-time occurrence of generational compression, it would hardly be noteworthy – apart from redaction-critical purposes. However, this rhetoric is by no means uncommon in Deuteronomy. The book of Deuteronomy, moreover, is presented as the final words of Israel's greatest prophet and is to be read to all of Israel on a regular basis (Deut 31:9–13). The implication is that Moses's words in Deuteronomy become the words of the one who does the public reading.[548] Each generation, then, is admonished in the same way the imagined audience of Deuteronomy is. Each generation is thrust back into the place of the Exodus generation.

As the discussion continues below (verses 15–24), it should become clearer how Deuteronomy 4 uses this rhetoric – this mnemotechnic – to compress past and future generations. But first, it will be important to address a contemporary debate regarding the primacy of seeing or hearing within Deuteronomy 4.

Excursus: Is Seeing or Hearing Primary in Deuteronomy 4?

In recent scholarship there has been a stimulating discussion surrounding the primary sensory focus of Deuteronomy as it relates to Horeb. The question revolves around whether seeing or hearing is the primary focus. Some, like Marc

545 For an account of the fascination history of Jewish interpretation of the bed of Og, see Zvi Ron, "The Bed of Og," *JBQ* 40 (2012): 29–34.

546 Maria Lindquist, "King Og's Iron Bed," *CBQ* 72 (2011), 492.

547 Weinfeld, *Deuteronomy*, 408. See also Ian Cairns, *Word and Presence: A Commentary on the Book of Deuteronomy* (ITC; Grand Rapids: Eerdmans, 1992), 103.

548 The one who does the reading is variously thought to be the king (Rashi on Deut 31:9; August Dillmann, *Numeri, Deuteronomium, und Josua* (2d ed.; Leipzig: S. Hirzel, 1886), 387; and Driver, *Deuteronomy*, 335), Joshua (*b. Soṭah 41a*; and Weinfeld, *Deuteronomy and the Deuteronomic School*, 65f.n. 1), or the priests/elders (Tigay, *Deuteronomy*, 292; Peter C. Craigie, *The Book of Deuteronomy* (NICOT; London: Hodder and Stoughton, 1976), 371; and Lundbom, *Deuteronomy*, 834). In my opinion, Sonnet's claim that "Moses is here less interested in the identity of the official reader than in the fact that the Torah be read in Israel's future" is the most convincing. Idem, *The Book within the Book*, 141.

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Brettler, have argued for the primacy of hearing within the world of Deuteronomy.[549] In his words,

> Deuteronomy can be characterized as super-aniconic, and as insisting very, very strongly that God is incorporeal. Seeing is a central part of the Sinai material in Exodus. […] Deuteronomy knows these texts, I believe, but will have none of the idea that they express. That is why Deut 5:1 opens in an auditory, "hear, O Israel."[550]

This focus on the auditory nature of the Horeb event, as depicted in Deuteronomy over and against the depiction in Exodus, has not only been the focus of Jewish scholars, but also has a long tradition within the Protestant Christian tradition. The Protestant (esp., Reformed)[551] impulse has been to read Deuteronomy 4 as a buttress for the centrality of the Word of God preached over and against what is visual. In many cases this impulse led to unfortunate iconoclasm across Europe in the sixteenth century and beyond.[552] Taking Calvin as one example from this tradition, it is informative to consider how Deuteronomy 4 fits into his theology. For example, of Deut 4:12, Calvin writes,

> It is a confirmation of the second commandment, that God manifested Himself to the Israelites by a voice, and not in a bodily form; whence it follows that those who are not contented with His voice, but seek His visible form, substitute imaginations and phantoms in His place.[553]

And of Deut 4:23, he writes,

> [I]t is already in itself a wicked error to attribute any image to God; and another superstition always accompanies it, that God is always improperly worshipped in this visible symbol. There is a strong confirmation here of what I have previously stated, *that*

549 Marc Z. Brettler, "A 'Literary Sermon' in Deuteronomy 4" in *"A Wise and Discerning Mind" Essays in Honor of Burke O. Long* (BJS 325; ed. by Saul M. Olyan and Robert C. Culley; Providence: Brown Judaic Studies, 2000): 33–50; idem, "'Fire, Cloud, and Deep Darkness' (Deuteronomy 5:22): Deuteronomy's Recasting of Revelation" in *The Significance of Sinai: Traditions about Sinai and Divine Revelation in Judaism and Christianity* (TBN 12; ed. by George J. Brooke et al.; Leiden: E.J. Brill, 2008), 24–25; and Steven D. Fraade, "Hearing and Seeing at Sinai: Interpretive Trajectories" in *The Significance of Sinai: Traditions about Sinai and Divine Revelation in Judaism and Christianity* (TBN 12; ed. by George J. Brooke et al.; Leiden: E.J. Brill, 2008), 247–248.

550 Brettler, "'Fire, Cloud, and Deep Darkness,'" 24. See also Erich Zenger, "'If You Listen to My Voice . . .' (Exodus 19:5): The Mystery of Revelation" in *The Bible as Human Witness to Divine Revelation: Hearing the Word of God Through Historically Dissimilar Traditions* (LHBOTS 469; ed. by Randall Heskett and Brian Irwin; London: T&T Clark, 2010), 21–27.

551 This emphasis on the written over the visible can also be seen in Martin Luther, *Lectures on Deuteronomy* (LW 9; ed. by Jaroslav Pelikan; Saint Louis: Concordia), 58.

552 Carlos M.N. Eire, *War against the Idols: The Reformation of Worship from Erasmus to Calvin* (Cambridge: Cambridge, 1986), 197–220.

553 John Calvin, *Commentaries on the Four Last Books of Moses arranged in the Form of a Harmony* (vol. 2; trans. by Charles W. Bingham; Edinburgh: Calvin Translation Society, 1853), 119.

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> *whatever holds down and confines our senses to the earth, is contrary to the covenant of God; in which, inviting us to Himself, He permits us to think of nothing but what is spiritual, and therefore sets His voice against all the imaginations* […].[554]

This points up the heart of the matter for Calvin – the ontological incompatibility of images with what is spiritual[555] (*finitum non est capax infiniti*).[556] Ultimately, Calvin aims to restore the dignity of God among humans,[557] for as soon as humans objectify the divine they have attempted to tame the untameable.[558] The danger is that as soon as humans begin "fastening God to some 'thing' […] God is tied to the finite and the determinate."[559] According to Eire, another problem is that "the human psyche [might] begin to associate the intended representation with the divine power itself."[560] Calvin develops his opposition to this form of idolatry significantly in Book I, chapters 11–12 of his *Institutes*.

> For the same reason, also, the second commandment has an additional part concerning adoration. For as soon as a visible form is given to God, his power also is supposed to be annexed to it. So stupid are men, that wherever they figure God, there they fix him, and by necessary consequence proceed to adore him. It makes no difference whether they worship the idol simply, or God in the idol; it is always idolatry when divine honours are paid to an idol, be the colour what it may. And because God wills not to be worshipped superstitiously, whatever is bestowed upon idols is so much robbed from him.[561]

For Calvin, Christian worship must orient itself around the Sacraments and the preaching and hearing of the Bible, rather than on visible experiences.[562] God is spirit, and must be worshipped as such. Furthermore, it is through "the true preaching of the gospel Christ is portrayed and in a manner crucified before our eyes."[563]

One can see this Protestant impulse in many modern commentaries as well. Driver, for example, writes, "the stress [of verse 12] lies on the fact that, though God revealed Himself by the sound of words, *no form*, no material, or even quasi-material, figure was seen: there was nothing to suggest a material presence of the

554 Calvin, *Commentaries on the Four Last Books of Moses*, 124.
555 Calvin, *Commentaries on the Four Last Books of Moses*, 200–202.
556 Eire, *War against the Idols*, 197.
557 Alexandre Ganoczy, *Le Jeune Calvin: Genèse et évolution de sa vocation réformatrice* (Wiesbaden: Franz Steiner, 1966), 202.
558 John H. Leith, "John Calvin's Polemic Against Idolatry," in *Soli Deo Gloria: New Testament Studies in Honor of William Childs Robinson* (ed by J. McDowell Richards; Richmond: John Knox, 1968), 113.
559 Ibid.
560 Eire, *War against the Idols*, 217.
561 John Calvin, *Institutes of the Christian Religion* (trans. by Henry Beveridge; Edinburgh: The Calvin Translation Society, 1845), I.11.9.
562 Leith, "John Calvin's Polemic Against Idolatry," 115–116.
563 Calvin, *Institutes*, I.11.7 (here citing Gal 3:1b).

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Almighty."[564] Holter's argument, which is worth quoting in full, is similar but helpfully more exegetical,

> In v. 12 two ways of experiencing a theophany – "hearing" and "seeing" – are presented, and the contrast between the two is expressed by the antithetic parallelism of v. 12b.[565] The structurally parallel participles שמעים ("hearing") and ראים ("seeing") serve to contrast the two possible ways of experiencing a theophany, of which the latter is explicitly rejecting (אינכם, "you did not"): Israel did hear, but she did not see. The verbal aspect of the theophany is then further emphasized through the structural contrasting of קול דברים and תמונה. And the result is utterly clear: what Israel did hear was "a sound of voices," and what it did not see was a "form." In other words, v. 12 expresses an understanding of the relationship between the verbal and visual aspects of the theophany in which the latter has no independent function; its function is simply to create a context for real theophany, the verbal one.[566]

And yet, this has not been the only way to understand Deuteronomy 4. Jewish Bible scholar Michael Carasik, along with others, has argued for the primacy of seeing in this same text.[567] He writes,

> The arena of history is for Deuteronomy overwhelmingly the realm of the eye. We know that this is so from Moses' continual reminders to the Israelites of the events that "your own eyes saw" or that God performed "before your eyes." For Deuteronomy, seeing was believing – perception with the eye represented direct, undeniable experience.[568]

Certainly from the text of Deuteronomy 4 such a reading is understandable in light of the repeated refrain, "before your eyes." Indeed, the language of sight occurs no fewer than 15 times in Deut 4:1–40 alone, with six references to the eyes (verses 3, 6, 9, 19, 25, and 34), and a further 9 uses of the main Hebrew verb for sight (ראה, verses 3, 5, 9, 12, 15, 19, 28, 35, and 36).[569] Yet Brettler, as indicated in his quote above, has argued for a transition in the sensory emphases between the Exodus and Deuteronomy accounts of the Sinai/Horeb theophany.

According to Brettler, whereas the language of Exodus prioritises sight, the language of Deuteronomy prioritises hearing. Exodus 19:11, for example, states, "prepare for the third day, because on the third day the Lord will come down upon Mount Sinai in the sight of all the people." Exodus 20:18, which has

564 Driver, 66.

565 Braulik, *Die Mittel deuteronomischer Rhetorik*, 33–34.

566 Holter, *Deuteronomy 4 and the Second Commandment*, 26–27. Nelson made the same observation within a year of Holter in his *Deuteronomy*, 67.

567 Finsterbusch, "Die kollektive Identität und die Kinder," 100–101; and Assmann, *Cultural Memory and Early Civilization*, 195–196.

568 Michael A. Carasik, "To See a Sound: A Deuteronomic Rereading of Exodus 20:15," *Proof* 19 (1999), 259.

569 Within this usage there is a great variety of subjects and objects. Israel, the nations, and the nations's gods all act as subjects. Objects of seeing include Israel's wisdom and understanding, the Horeb theophany, and the entire created order (both earthly and heavenly).

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prompted much discussion, notes that "All the people witnessed (lit., "saw," MT: וְכָל־הָעָם רֹאִים) the thunder and lightning, the blare of the horn and the mountain smoking; and when the people saw it, they fell back and stood at a distance" (NJPS). Furthermore, Exod 24:10–11 says that Moses, Aaron, Nadab, Avihu, and the seventy elders "saw the God of Israel. […] they beheld God." For Brettler, these depictions in Exodus are at odds with the emphasis of Deuteronomy 4–5 in which the only object of Israel's vision was nothing – Israel's great experience was of the direct and unmediated sound of the Lord speaking.

But is this so? Indeed, the fact that these scholars have offered such divergent interpretations of the role of sensory perception within the Horeb accounts of Deuteronomy is an indication precisely of where I wish to take the issue: I propose that there is good textual basis for both sides of the argument, thus indicating that Deuteronomy 4's presentation of the role of sense perception is complex both on its own terms and in how it adapts the Exodus tradition. In the end, Deuteronomy 4 depicts *both* seeing and hearing as necessary but insufficient for future generations. I will first address seeing and then turn to hearing before concluding this excursus.

In the case of seeing it is necessary, on the one hand, to take seriously the repeated rhetoric of seeing within Deuteronomy 4 and, on the other hand, to note that the effect of seeing nothing is to turn Israel's attention to what it heard. A prime example of the importance of vision to the theophany at Horeb is Moses's theologically oriented interpretation of the Horeb theophany: Moses's warning against the manufacturing of idols (4:15) is an inference based on his point that Israel "saw no form" on the mountain, there was "only a sound" (קול דברים אתם שמעים ותמונה אינכם ראים זולתי קול, 4:12), whereas God's own reason (Exod 20:5 and Deut 5:9) for the prohibition against idols is that he is a "jealous God" (אל קנא). In a similar fashion, towards the conclusion of the paraenesis, Israel is meant to conclude that YHWH is God "on the earth below" (ועל־הארץ מתחת, verse 39) on the basis of God's visible actions carried out on the earth below (i. e., the Exodus and the theophany, verses 35–38). The implication of these visible acts in history is the obligation to obey the spoken word (verse 40). The visual experiences give way, and the spoken commands assume the central importance. Geller has argued to this effect; as his argument is so incisive, it is worth quoting at length.

> The role of seeing is highlighted even further by the particular message Deut 4 draws from the act of witnessing at Horeb: Israel is forever prohibited from making images to worship because it saw no divine form at revelation (vv. 12 and 15 ff.). The phrase that heads v. 15, "you must take care for your own lives' sake," which connects with vv. 6 and 9, is so pointed and deliberate in its formulation that one cannot possibly overlook Deut 4's meaning: idolatry is not only sinful but also false because it is not rooted in revelatory experience, actual seeing. That the images idolators [*sic*] make mirror natural shapes

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> does not give them the authority of "witness." That is reserved only for what is seen in the context of revelation. "Seeing" as universal human faculty is not important; only "seeing" that is linked to religious practice is important. Nevertheless, the entire argument rests on the decisive role played by unmediated sight of the divine. Even what is not seen is evidence of the *deus invisibilis*. In sum, the covenantal level of meaning in Deut. 4:9ff. assumes the determining function of the visual.
>
> And yet, what is the final purport of the argument? Is it not the inferiority of all seeing to hearing that is clearly implied by the crucial statement in v. 12 that at Horeb Israel "heard the sound of words, saw no form but (heard) a sound ("voice")["]? Above we noted that the aim of this deliberate formulation of the theophany seems to be to demote seeing in relation to hearing. The content of revelation was heard word, not seen form; and it is that word all future generations are to hear, children from parents, forever. The conflict may be put as a conundrum: the import of seeing is that hearing alone is truth, but the truth of hearing can be proven only by the fact of seeing. In other words, visual experience is employed to demonstrate its inferiority, religiously speaking, to auditory tradition.[570]

For Geller as for Holter above (though he does not attempt to discredit seeing), the rhetorical effect of the language of sight is the contrast that it creates with hearing. Israel, it is reported, saw nothing, but instead heard the unmediated voice of God. Israel is to remember what it saw (verse 9) precisely so that it will remember that it saw nothing, thus placing the significance on what was heard. "At Horeb, Israel had a visual experience giving her true knowledge; the true knowledge they acquired was that true knowledge comes through the ear."[571] The effect of highlighting seeing is to highlight hearing, to which I now turn.

The subject of hearing in Deuteronomy is indubitably important. Brettler notes the proliferation of the vocabulary of hearing in Deuteronomy 4–5 (more than twenty occurrences of דבר, שמע, and קול in Deuteronomy 5 alone).[572] One example is particularly telling: Deut 5:24 places hearing and seeing together and clearly prioritises hearing when it states, היום הזה ראינו כי־ידבר אלהים את־האדם וחי. What did Israel see? Nothing except that God spoke with Israel and allowed the nation to live. It is essential to the theology of Deuteronomy that Israel heard this voice and that Israel is thus accountable to obey the commands it heard (4:13–14). Indeed, Deut 4:32–33 and 36 express the importance of Israel's hearing the voice of God, "Has a people ever heard the voice of a god speaking from the midst of the fire as you have and lived?" (השמע עם קול אלהים מדבר מתוך־האש, 4:33). What Israel heard from heaven (מן־השמים השמיעך את־קלו, 4:36) is meant to teach Israel that YHWH is "God in heaven above" (הוא האלהים בשמים ממעל, 4:39).

570 Stephen A. Geller, "Fiery Wisdom: Logos and Lexis in Deuteronomy 4," *Proof* 14 (1994), 122.

571 Carasik, "To See a Sound," 261.

572 Brettler, "'Fire, Cloud, and Deep Darkness,'" 24–25.

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And yet, in comparison with the Book of the Covenant in Exodus, one may note distinctive presentations of YHWH's spoken words in Exodus and Deuteronomy that point up an important caveat to understanding hearing as essentially primary in Deuteronomy 4. For in the Book of the Covenant, the law is presented by an anonymous narrator as direct speech from YHWH to Moses (Exod 21:1 states, ואלה המשפטים אשר תשים לפניהם). The repetition of this formula outside the Book of the Covenant is also a recognised pattern within Exodus (e. g., 20:1, 22; 24:1, 12; 25:1). This pattern is clear and unambiguous; thus the Mishnah states,

> Moshe received the Torah from Sinai and transmitted it to Yehoshua, and Yehoshua to the Elders, and the Elders to the Prophets, and the Prophets transmitted it to the Men of the Great Assembly. They said three things: Be deliberate in judgment, raise up many disciples and make a fence for the Torah.[573]

In Deuteronomy, by contrast, the Horeb event is narrated by Moses himself to the people and all the stipulations are cast as Moses's speech rather than an oration by YHWH.[574] As Sonnet has written, "In Deuteronomy, the Horeb revelation is thoroughly mediated by, and reflected in Moses' reporting speech."[575] Even Deuteronomy's Decalogue is a reported speech through the mouth of Moses (5:5; cf. with Exod 20:1).[576] Whereas Exodus allows ambiguity regarding whether God or Moses spoke to the people (note the difficult transition between Exod 19:25 and 20:1), Deuteronomy clarifies this with the note at 5:5 that Moses stood between YHWH and the people and acted as mediator.[577] Indeed, in every instance within Deuteronomy 4–5 in which YHWH speaks to Israel, this speech is mediated by Moses. Deuteronomy 5:4–5, for example, says,

573 *m.* ʾ*Abot* 1:1. Perhaps more shocking are the words of *b. Meg.* 19b.: "And Rabbi Ḥiyya bar Abba further said that Rabbi Yoḥanan said: What is the meaning of that which is written: 'And the Lord delivered to me two tablets of stone written with the finger of God; and on them was written according to all the words which the Lord spoke with you in the mountain' (Deut 9:10)? This teaches that the Holy One, Blessed be He, showed Moses on the mountain all the inferences that can be derived from the words of the Torah; and all the inferences that can be derived from the words of the Scribes, the early Sages; and also all the new *halakhot* that the Scribes were destined to introduce in the future in addition to the laws of the Torah. And what is it specifically that the Scribes would introduce in addition to the laws of the Torah? The reading of the Megilla."

574 This fits what Brettler has argued to be one of Deuteronomy's enduring *modi operandi:* to recast "its source material to justify its core idea that the Mosaic discourse in year 40 is more important than the Sinai/Horeb event." Idem, "'Fire, Cloud, and Deep Darkness,'" 25–26.

575 Sonnet, *The Book within the Book*, 47. In addition, his entire discussion of Moses's "Prophetic Credentials" in Op. cit., 35–40 are worthwhile.

576 See esp., Perlitt, *Deuteronomium*, 420–421; and Driver, *Deuteronomy*, 83–84.

577 Sonnet, *The Book within the Book*, 47 (f.n. 13).

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פנים בפנים דבר יהוה עמכם בהר מתוך האש: אנכי עמד בין־יהוה וביניכם בעת ההוא להגיד לכם
את־דבר יהוה כי יראתם מפני האש ולא־עליתם בהר לאמר:

> The Lord spoke with you face to face at the mountain, out of the fire. (At that time I was standing between the Lord and you to declare to you the words of the Lord; for you were afraid because of the fire and did not go up the mountain.) And he said:

Thus, even the Ten Commandments that are said in 4:10, 12–13 and 5:22–24 to have come to the ears of the people directly from the midst of the fire on the mountain are ultimately communicated to Moses's audience – as well as later generations hearing the book of Deuteronomy read – as mediated speech in 5:4–21, rather than presented as the past experience dictates. Moses changes the direct experience of hearing the voice of YHWH from the mountain into a mediated speech.[578] Indeed, in Deut 5:28 YHWH notably commends Israel for desiring to hear the revelation at Horeb in a mediated fashion. God then continues to use Moses as his prophetic, mediatorial mouthpiece in verses 30–31:

לך אמר להם שובו לכם לאהליכם: ואתה פה עמד עמדי ואדברה אליך את כל־המצוה והחקים
והמשפטים אשר תלמדם ועשו בארץ אשר אנכי נתן להם לרשתה:

> "Go say to them, 'Return to your tents.' But you, stand here by me, and I will tell you all the commandments, the statutes and the ordinances, that you shall teach them, so that they may do them in the land that I am giving them to possess."

This indicates that there is a tension within the deuteronomic text between what it reports (וידבר יהוה אליכם מתוך האש קול דברים אתם שמעים, 4:12) and what it portrays. Deuteronomy reports that God spoke to the people from the midst of the fire, but in fact portrays a mediated speech through Moses. This effectively prioritises the mediated speech of Moses,[579] whilst at the same time obscuring the auditory experience of Horeb since that verbal experience of Horeb was mediated, rather than direct, as the visual experience was. This should come as no surprise considering the role of Moses as law-giver in the opening verses of Deuteronomy 4:

ועתה ישראל שמע אל־החקים ואל־המשפטים אשר אנכי מלמד אתכם לעשות למען תחיו ובאתם
וירשתם את־הארץ אשר יהוה אלהי אבתיכם נתן לכם: לא תספו על־הדבר אשר אנכי מצוה אתכם ולא
תגרעו ממנו לשמר את־מצות יהוה אלהיכם אשר אנכי מצוה אתכם:

578 Several commentators have noted the tension between vv. 4 and 5, that is, between the presentations of Israel having a direct experience of YHWH speaking to Israel and Israel receiving the spoken revelation in mediated form. See Nelson, *Deuteronomy*, 79–80; Weinfeld, *Deuteronomy*, 240; Driver, *Deuteronomy*, 83–84; Timo Veijola, *Das fünfte Buch Mose Deuteronomium (Kapitel 1,1–16,17)* (ATD 8,1; Göttingen: Vandenhoeck & Ruprecht, 2004), 135; Perlitt, *Deuteronomium*, 420–421; and Otto, *Deuteronomium* (4 vols.; HThKAT; Freiburg: Herder, 2012), 682.

579 Walter Brueggemann, *Deuteronomy* (AOTC; Nashville: Abingdon, 2001), 65.

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> So now, Israel, give heed to the statutes and ordinances that I am teaching you to observe, so that you may live to enter and occupy the land that the Lord, the God of your ancestors, is giving you. You must neither add anything to what I command you nor take away anything from it, but keep the commandments of the Lord your God with which I am charging you.

This role of Moses is central to Deuteronomy, and is consistent throughout the book. Another helpful example is 15:4–5:

> אפס כי לא יהיה־בך אביון כי־ברך יברכך יהוה בארץ אשר יהוה אלהיך נתן־לך נחלה לרשתה: רק אם־שמוע תשמע בקול יהוה אלהיך לשמר לעשות את־כל־המצוה הזאת אשר אנכי מצוך היום:
>
> There will, however, be no one in need among you, because the Lord is sure to bless you in the land that the Lord your God is giving you as a possession to occupy, if only you will obey the Lord your God by diligently observing this entire commandment that I command you today.

In this text, Moses interestingly equates hearing the voice of YHWH (רק אם־שמוע תשמע בקול יהוה אלהיך) with obeying Moses (לשמר לעשות את־כל־המצוה הזאת אשר אנכי מצוך היום). The importance of Moses's role as mediator and prophet in Deuteronomy cannot be understated.[580]

Bringing together these arguments explored above regarding seeing and hearing within Deuteronomy 4–5, the picture becomes more complex than perhaps the Protestant tradition at first recognised. For on the one hand, seeing is used within Deuteronomy 4–5 as a foil intended to highlight the importance of hearing. However, that hearing is presented as coming to the people in mediated form and not as a direct revelation, as was the seeing. Both are necessary means of revelation, but neither is sufficient on its own terms. Within Deuteronomy's depiction of Horeb, the visual experience of the theophany was direct and un-

580 The phrase אנכי מצוך occurs no fewer than 27 times in the MT, with 26 of these occurring in Deuteronomy with Moses acting as the subject represented by the pronoun אנכי (some of the key dt. texts in this regard are Deut 6:1–2; 8:1; 28:1; 30:11, 15–16). The only other occurrence of this phrase is at Exod 34:11 with YHWH as the subject. This passage is connected to the current discussion in fascinating ways. After the sin and punishment surrounding the Golden Calf, Moses appeals for God to go in the midst of the people (ילך־נא אדני בקרבנו, Exod 34:9). In the Lord's reply to Moses, however, the only hint of an answer that the Lord offers is to point out that Moses is among the people (וראה כל־העם אשר־אתה בקרבו את־מעשה יהוה). In other words, the Lord appears to have distanced himself from the people and established Moses as his representative in a distinctive way (see also Exod 33:1–3, 13). The Lord then continues his dialogue with Moses by warning him to observe what the Lord commands (שמר־לך את אשר אנכי מצוך היום). The book of Deuteronomy, moreover, presents a Moses who both speaks for YHWH, and speaks with the authority of YHWH, as in 8:1:

> כל־המצוה אשר אנכי מצוך היום תשמרון לעשות למען תחיון ורביתם ובאתם וירשתם את־הארץ אשר־נשבע יהוה לאבתיכם
>
> This entire commandment that I command you today you must diligently observe, so that you may live and increase, and go in and occupy the land that the Lord promised on oath to your ancestors.

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mediated, but was not direct revelation of the divine. The direct revelation came through hearing the spoken word, in mediated form through Moses. YHWH's commands come to the people through Moses, but are proven to be true through the visual experience (4:32–40), which sends the observer back to the spoken word by the very nature of the visual experience itself. How can later generations, then, enter this self-perpetuating circle of self-validation? The answer for Deuteronomy is that every Israelite is already within the circle, for every Israelite stood at Horeb, a point explored further below.

6.3.3. Verses 15–24

Returning to the ongoing exegesis of Deuteronomy 4, the next portion of text consists of Moses's own interpretation of the events previously presented in verses 9–14, that is, God's appearing at Horeb in the thick cloud and speaking the ten words to the people. It is important to note that this expansive interpretation of the second commandment prohibiting idols – which is how these verses are nearly universally understood – comes from the lips of Moses rather than from the midst of the fire.[581] This point is important, for when YHWH gives reasons for not making idols in Exod 20:5 and Deut 5:9 it is because of his character as a jealous god, but what the reader finds in this text is different. This text is not a statement about the character of God, but is a theologically oriented interpretation by Moses of the Horeb event, which (evidently) is not self-interpreting. Here the intersection of sensory perception and cultural memory will be the fertile ground for the discussion of cultural memory. It is perhaps best to begin with the expansionist use of terms relating to idolatry in 4:15–16.

ונשמרתם מאד לנפשתיכם כי לא ראיתם כל־תמונה ביום דבר יהוה אליכם בחרב מתוך האש:
פן־תשחתון ועשיתם לכם פסל תמונת כל־סמל תבנית זכר או נקבה:

So watch yourselves carefully, since you did not see any form on the day the Lord spoke to you at Horeb from the midst of the fire, lest you act corruptly by making an idol (פסל) which has the form of (תמונת) a statue (סמל) that is the likeness of (תבנית) […]. (AT)

First, note the repeated use of תמונה, a term first used in Deuteronomy at 4:12 (קול דברים אתם שמעים ותמונה אינכם ראים זולתי קול). This repetition indicates the epistemological direction from experience to action: Israel saw no תמונה (verses 12 and 15), and for *this* reason Israel is not to worship with any assistance of a

581 See, Patrick D. Miller, *Deuteronomy* (Interpretation; Louisville: John Knox Press, 1990), 57–61; Holter, *Deuteronomy 4 and the Second Commandment*; and Tigay, *Deuteronomy*, 65.

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תמונה (verse 16).[582] And yet, because this term is not concerned with physicality, but rather with the "visible aspect of a being," Deuteronomy is not content to leave things here.[583] Instead, the text compounds word upon word with no regard for ease of reading until all loopholes have been closed. Certainly, "The shape of the second commandment in verses 16–18, which is the most elaborated form in the Scriptures, indicates that the Deuteronomist has in mind the exclusion of any possible object of worship."[584]

Tigay has been particularly helpful in laying out the distinctive meanings of these terms,[585] which all belong within the semantic range associated with idolatry.[586] Tigay's own translation of this text (with one slight addition) is instructive: "Do not make an idol (פסל) which [has the form of] (תמונת) a statue (סמל) that is the likeness of (תבנית) […]."[587] This translation critically captures the particular stress of this verse: a comprehensive ban on the production and use of idols as aids in the worship of YHWH, (not a blanket prohibition on producing sculptures).[588] To be specific, the language of the created order from Genesis 1 is employed in verses 16–19 to give precise content to the prohibition: Israel is not to make idols in the form of a male or female, a beast of the earth, a bird of the sky, a creeping thing of the ground, a fish of the sea, or any heavenly body.[589] This connection has the added effect of connecting YHWH of Deuteronomy 4 with Elohim of Genesis 1, a connection that is otherwise left unstated in the text. In other words, Israel is to worship the formless creator rather than those objects which have a form and are found in the realm of the creator's created world.[590]

And yet, what stands out is that Israel's experience of the visible, created realm functions in much the same way as Israel's collective memory of God's past actions at Horeb and in the Exodus: both are meant to teach Israel about the

582 Cairns, *Word and Presence*, 59.
583 Tigay, *Deuteronomy*, 47.
584 Miller, *Deuteronomy*, 59–60.
585 Tigay, *Deuteronomy*, 49.
586 Weinfeld, *Deuteronomy*, 205.
587 Tigay, *Deuteronomy*, 49.
588 Ibid. Confirming this understanding, Judge has recently argued that the primary historical context of this text is a battle against idolatry on the domestic front; idem, *Other Gods and Idols*, 72–75.
589 C.J. Labuschagne, *Deuteronomium deel IA* (POuT; Nijkerek: Callenbach, 1987), 263; Michael A. Fishbane, "Varia Deuteronomica," *ZAW* 84 (1972): 349–352; and Dru Johnson, *Epistemology and Biblical Theology: From the Pentateuch to Mark's Gospel* (RIPBC 5; Abingdon: Routledge, 2018), 91.
590 Nathan MacDonald has argued that the heart of the argument against icons is that God is "in heaven above and on earth below," thus separating himself from the space limited nature of idols. Idem, "Aniconism in the Old Testament" in *The God of Israel* (UCOP 64; ed. by Robert P. Gordon; Cambridge: Cambridge, 2007), 31–33. Although I would not wish to dispute this point, I do believe that the linguistic connections to Genesis 1 deserve a place in the discussion.

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nation's place within God's creation and within the history that God is sovereignly directing.

It would be too strong to argue that the *intention* of this text's focus on the visual experience-ability of the created order is to function in direct comparison with the transmitted memory of Israel's own experiences at Horeb. (Instead, the intention seems rather to be a comprehensive prohibition of any idol-making which attempts to represent the un-representable God of Israel who "appeared" at Horeb.) However, one of the effects that comes to light in the course of studying Moses's rhetoric in light of cultural memory is that the direct experiences of the created order (4:16b–19) come into comparative relationship with the transmitted experiences of the Horeb event (4:11–16a). "You did not see a form at Horeb," says Moses, "therefore you should not presume to represent YHWH, who appeared to you at Horeb, with any formed creation that you can see." Moses appeals to his audience's inherited memory of Horeb to support his injunction for the present situation.

When the reader keeps in mind the deuteronomic claim that this generation was not at Horeb, the rhetoric comes into still sharper focus, for although it is clear that this generation had no direct experiences of Horeb, Deuteronomy 4 nonetheless presents Israel's experience of this event in the same sensory terms as Israel's experience of the created order. Israel saw the smoke upon the mountain and heard a voice in the same way that Israel can see the beasts of the field and the birds of the sky. This is remarkable in terms of what it means to have a cultural memory of the Horeb event. What it means within the world of Deuteronomy 4 to have meaningful experiences and memories of past events is by no means straightforward.

Martin Buber offers a truly remarkable account of the power of cultural memory when he writes,

> When those who have grown up in the atmosphere of the Bible think of the "revelation upon Sinai," they immediately see once again that image which overwhelmed and delighted them in their childhood: "the mountain burning with fire up to the heart of the heavens, darkness, cloud and lowering mist." And down from above, down upon the quaking mountain, that smokes like a furnace, descends another fire, flashing fire from heaven; while through the thunder that accompanies the flashing lightning or, it may be, from out of that self-same thunder, comes the blast of a ram's horn.[591]

Many a modern reader can hardly begin to understand how an Austrian-born Jew can speak of Sinai with affectionate, personal memory in the twentieth century. I propose that what takes place in Deuteronomy 4 is no less remarkable.

591 Martin Buber, *Moses* (London: East & West Library, 1946), 110.

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A later generation's memory of an event which it has not seen is appealed to in order to support a ban on idol-making.

At this point attention must turn to verses 21–24, which begin with what many interpreters have called a digression (verses 21–22),[592] in which Moses reminds Israel once again (cf. 1:37 and 3:23–28) that he will not enter the land on Israel's account (על־דבריכם). Lundbom, for example has said that "it is not clear why this is included here."[593] He then qualifies this admission with these words: "Perhaps it is to qualify Israel's 'chosenness' in verse 20. Yahweh's special people, because of their grumbling at Kadesh (1:27–28), bore the responsibility for Moses not getting into the promised land."[594]

Other interpreters have seen a greater degree of coherence between these verses and the wider context. Nelson, for example, notes that

> Although these verses may seem to be little more than a random return to the topic of 1:37–38 and 3:23–28, they do relate to the overall argument of chapter 4 in that the punishment of Moses highlights the potential negative consequences of disobedience.[595]

And yet, more could be said than that these verses simply relate to the overall argument of the chapter, for there is also a progression that can be seen in these verses, a point noted by Weinfeld:

> [Verses 21–22] serve as a connecting link with the next section. The death of Moses in Transjordan is inevitable, and there exists the danger that after his death the Israelites will forget the covenant with God and will worship idols, a fear expressed explicitly in Deut 31:16–22. The worship of foreign gods will of course bring punishment, namely, exile, which is described in vv 25–31.[596]

Weinfeld's and Nelson's points, however, could be taken still further: not only is the death of Moses "inevitable," thus emphasising the need not to forget the covenant (verse 23), and not only is Moses's death presented rhetorically as an example of what might happen to those who disobey, but these verses (*contra* Lundbom) bolster the chosenness of Israel and its responsibility to the covenant. This is a result of repeated inheritance language and contrastive phrasing. The text of verses 20–22 is as follows:

> ואתכם לקח יהוה ויוצא אתכם מכור הברזל ממצרים להיות לו לעם נחלה כיום הזה: ויהוה התאנף־בי על־דבריכם וישבע לבלתי עברי את־הירדן ולבלתי־בא אל־הארץ הטובה אשר יהוה אלהיך נתן לך נחלה: כי אנכי מת בארץ הזאת אינני עבר את־הירדן ואתם עברים וירשתם את־הארץ הטובה הזאת:

592 Tigay, *Deuteronomy*, 51; also Knapp, *Deuteronomium 4*, 75.
593 Lundbom, *Deuteronomy*, 244.
594 Ibid.
595 Nelson, *Deuteronomy*, 67. See also Labuschagne, *Deuteronomium deel I A*, 269.
596 Weinfeld, *Deuteronomy*, 207.

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> But the Lord has taken you and brought you out of the iron-smelter, out of Egypt, to become a people of his very own possession, as you are now. The Lord was angry with me because of you, and he vowed that I should not cross the Jordan and that I should not enter the good land that the Lord your God is giving for your possession. For I am going to die in this land without crossing over the Jordan, but you are going to cross over to take possession of that good land.

In the case of repeated inheritance language in verse 20, it is Israel who is YHWH's "inheritance as it is this day" (נחלה כיום הזה). Then in verse 21, Israel is said to be on the verge of receiving the land as an inheritance (אל־הארץ הטובה אשר יהוה אלהיך נתן לך נחלה). Finally in verse 22, Moses says that Israel is about to cross over and take possession of this land (ואתם עברים וירשתם את־הארץ הטובה הזאת). This repetition has the effect of linking these texts thematically and establishing a progress in the text from God's act of bringing Israel out of Egypt (verse 20) towards Israel's foreseen entrance into the land (verse 22) and response of faithfulness once in the land (verse 23).

This progression of Israel from Exodus to life in the land (verses 20–23) is also presented within the context of a sharp contrast with the fate of Moses.[597] This contrast begins with the first word of verse 20 (ואתכם) where Moses does not say "us," but rather "you." This not only contrasts Israel with the people of other nations (verse 19) who worship the created order but also with Moses himself, who, rather than being counted among those who are God's inheritance, receives the judgment of God such that he will not enter the land.[598] The contrast continues in verse 20 where Moses not only says that he will not go over to the good land, but also adds that this land is "the good land that the Lord your God is about to give *you* as an inheritance" (הארץ הטובה אשר יהוה אלהיך נתן לך נחלה). The land is the people's; it is *their* inheritance and *not* Moses's. This contrast becomes even blunter in verse 22 where Moses contrasts his own fate with that of Israel: "I am about to die in this land; I shall not cross over the Jordan" (אנכי מת בארץ הזאת אינני עבר את־הירדן). With these words, Moses once again uses the language of crossing over the Jordan in his contrast: God will not allow him to cross over into the land that he is giving to Israel (verse 21), and Moses is not crossing over the Jordan because he will die in the land of Moab (verse 22). "But you," Moses continues, "are about to cross and take possession of this good land" (ואתם עברים וירשתם את־הארץ הטובה הזאת). The fact that Moses uses "this land" (הארץ הזאת) both for the land east of the Jordan where he will die and the land west of the Jordan where Israel is going adds to the contrasting outcomes of Moses and Israel.

597 Labuschagne, *Deuteronomium deel I A*, 269.

598 Interestingly, to this point in Deuteronomy the verb שבע has only been used with one subject and for one of two purposes. In every usage of שבע in Deuteronomy 1–4 (1:8, 34, 35; 2:14; 4:21, 31) God is the one doing the swearing, and in every case the verb refers to the giving or withholding of the promised land.

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These textual links contrasting Israel and Moses support Israel's chosenness rather than qualify it, as Lundbom suggests.[599] Israel's chosenness is established through the Exodus (verse 20), confirmed by the anticipated entrance into the land (verses 21–22), and is expected to result in not forgetting the covenant – that is, not making an idol in any form that has been forbidden by God (verse 23).

Having thus laid the rhetorical foundation for Moses's injunction in verses 23–24, I now continue. Verse 23 opens with a call for Israel to "take care of yourself lest you forget the covenant" (השמרו לכם פן־תשכחו את־ברית), a call that is clearly similar to verse 9: רק השמר לך ושמר נפשך מאד פן־תשכח את־הדברים אשר־ראו עיניך. Both verses are forceful calls not to forget the covenant.[600] In verse 9 Israel is admonished not to forget its experience at Horeb; in verse 23 Israel is admonished not to forget the covenant.

According to the structure of verse 23, forgetting the covenant is defined, in apposition, by the phrase, ועשיתם לכם פסל תמונת כל אשר צוך יהוה אלהיך.[601] This, of course, brings the reader back to the content of verses 15–20. And yet it does more than this, for it also brings to attention once again the unusual claim that God made a covenant at Horeb with a generation that was not physically present at the covenant making ceremony. The word ברית, although common throughout Deuteronomy, first appears in the book at 4:13, where it is identified as the ten words (עשרת הדברים) that the Lord spoke at the mountain. After the long exposition of the second commandment (the prohibition on making idols), keeping that commandment is likened to not forgetting the ברית.[602]

Deuteronomy 4:31, however, demonstrates that Deuteronomy has alternate vocabulary for speaking about the Horeb covenant, for in that verse it is claimed that YHWH does not forget the covenant that he swore to Israel's fathers (ולא ישכח את־ברית אבתיך אשר נשבע להם). Considering the world of Deuteronomy, it would be reasonable for readers to expect the text to reference the Horeb covenant in language akin to what is present in verse 31 – a reference to the covenant that God made with Israel's fathers. Verse 23 is in sharp contrast to the language of verse 31. Together, the covenant discourse of Deuteronomy blurs naturally occurring generational boundaries.

This portion of the text thus concludes with a reiteration of Moses's expansive treatment of God's prohibition on the manufacturing of idols that attempt to represent the formless God in the likeness of anything that he has formed in creation. Yet verse 24, in a fascinating way, operates rhetorically as a seamless transition from verses 15–23 to verses 25 ff. This is accomplished by calling God "a

599 Lundbom, *Deuteronomy*, 244.
600 Holter, *Deuteronomy 4 and the Second Commandment*, 87.
601 Ibid.
602 Ibid.

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consuming fire, a jealous God" (כי יהוה אלהיך אש אכלה הוא אל קנא). Calling God a "consuming fire" is a reference to Israel's Horeb experience (4:11–12; 5:5, 22–23).[603] God as a "jealous God" (אל קנא) is a reference to the language of the Decalogue itself (Exod 20:5 and Deut 5:9).[604] Although this language of God's jealousy for his people's loyalty is common in the Pentateuch (see Exod 20:5; 34:14; Num 25:11; Deut 4:24; 5:9; 6:15; 32:16, 21), Deut 4:24 borrows this language as a way to bridge the prohibition against making idols to the consequences for making idols (verses 25–31).

By way of conclusion, it is sufficient to note the compression that takes place in verses 23–24. Though Moses's audience was not present at Horeb for the making of the covenant mentioned in verse 23, the nation is, nonetheless, held accountable to that covenant (verse 24), as will all future generations. In other words, the covenant language of Deuteronomy does not make allowance for later generations to be unfaithful to the covenant. Instead, all are spoken of as though they themselves stood at Horeb and entered into the covenant with YHWH and all are expected to live responsively to that experience and with the knowledge that YHWH is a jealous God.[605]

6.3.4. Verses 25–31

Verse 25 marks a hinge in the flow and argumentation of the paraenesis.[606] This pivot marks a turn from focus on the past to focus on the future.[607] In the words of Geller, "Moses then turns from the immediate past to the distant future, and from argument based on history to one rooted in prophecy."[608] Yet the rhetoric of generational compression continues. Not only is the generation of Moses's audience compressed into the past experiences of its fathers who stood at Horeb

603 Tigay, *Deuteronomy*, 51; Labuschagne, *Deuteronomium deel I A*, 271; and Nelson, *Deuteronomy*, 68. Others have wished to connect his reference more to its use in Exodus; Lundbom, *Deuteronomy*, 245; David Zvi Hoffmann, *Deuteronomium* (Berlin: M. Poppelauer, 1913), 58; and Perlitt, *Deuteronomium*, 339. Simone has recently argued that the portrayal of gods as "devouring fire" in Israel – as in Mesopotamia – was a distinction of status rather than ontology; see Michael R. Simone, *"Your God is a Devouring Fire:" Fire as a Motif of Divine Presence and Agency in the Hebrew Bible* (CBQMS 57; Washington: Catholic Biblical Association, 2019).

604 Weinfeld, *Deuteronomy*, 208.

605 Other ANE vassal-treaties contain similar language pertaining to future generations, though the major difference is that in Deuteronomy each generation is not only seen to enter into the covenant with YHWH, but also to have been present for the covenant ceremony. See the fuller discussion in 7.2. below.

606 Weinfeld, *Deuteronomy*, 207.

607 Geller, "Fiery Wisdom," 109.

608 Geller, "Fiery Wisdom," 108.

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(verses 10–15, 23), but is likewise compressed into the future experiences of its distant descendants who will turn from the Lord and experience exile (verses 25–31).

This compression is established with the first clause (a temporal protasis):[609] כי־תוליד בנים ובני בנים ונושנתם בארץ ("When you will have begotten sons and son's sons and have remained long in the land," AT),[610] and continues through the remainder of the pericope. What is depicted here in the text is an Israel that is established in the land; as Nielsen has put it, "Natürlich ist hier eine lange Kette von Generationen gemeint, d.h. längst eingesessen seid."[611] This long-term perspective is clear throughout Deuteronomy, which has a single-minded focus upon life in the land; all of the laws of Deuteronomy's core, for example, have life within the land of Canaan in view.[612] In the words of Nelson, "Deuteronomy presents a law for life in the land given by Yahweh."[613] The point of this, however, is to illustrate that a shift has taken place within Deuteronomy 4: within verses 9–24, the reader becomes accustomed to a rhetoric of generational compression that places the second generation at the foot of Horeb in the position its parents

609 Robson, *Deuteronomy 1–11*, 154 and Otto, *Deuteronomium*, 570.

610 The root and meaning of ונושנתם are difficult to determine. It is either, according to BDB, the Niph of יָשַׁן meaning "to sleep," or, according to HALOT and DCH, a homonym of ישן II meaning "to grow old" (cf. Isa 22:11; Ugaritic *yṯn*); see Robson, *Deuteronomy 1–11*, 155. This is reflected in Weinfeld, *Deuteronomy*, 208, where he translates ונושנתם as "long established." Also, Perlitt, *Deuteronomium*, 341 and Otto, *Deuteronomium*, 570, who both understand this verb to refer to Israel being "settled" in the land. As Otto renders it, "Ihr euch eingelebt habt in dem Land"; ibid. Rashi's comment on v. 25 also deserves notice here, for he, in his own way, understands this verse to envision a long-standing presence in the land before the events of vv. 26–30:

> ונושנתם AND YE SHALL HAVE BEEN LONG [IN THE LAND] – He gave them a vague intimation that they would be exiled from it at the end of 852 years, according to the numerical value of the word ונושנתם […].

The LXX is also instructive, for the translator uses *χρονίσητε*. The root *χρονίζω* occurs only 15 times in the LXX, one being at Exod 32:1 in reference to Moses remaining on the mountain for a long period of time. In that episode the people respond to the delay by rebelling against YHWH and asking for idols to lead them. Given their common themes, it is not unreasonable to suppose that the interpreters of LXX Deuteronomy were intending to establish this resonance with LXX Exodus.

611 Eduard Nielsen, *Deuteronomium* (HAT I/6; Tübingen: Mohr Siebeck, 1995), 64. An exception to this view is Craigie, who envisions the future in mind to be the near future, later in the life of this generation in his *Deuteronomy*, 138–141. On the other hand, he reads the curses of Deut 28:14–68 in light of Israel's subsequent history, namely the Babylonian exile. Op. cit., 341.

612 For a helpful discussion of Deuteronomy's theology of the land, see Miller, *Deuteronomy*, 44–52.

613 Nelson, *Deuteronomy*, 11.

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occupied, but the direction of attention changes, as is common in Deuteronomy, from the past to the future.[614]

What does this future look like? Well, the temporal protasis continues,[615] והשחתם ועשיתם פסל תמונת כל ועשיתם הרע בעיני יהוה־אלהיך להכעיסו ("and when you act corruptly by making an idol of any form and thus do the evil in the eyes of YHWH your God to cause him vexation," AT).[616] One of the interesting features of this clause is the certainty of it. Another is the compression that takes place: although the occasion for this corruption is clearly generations in the distant future, Moses, nonetheless, thrusts his audience into that future. In the same way that Moses compresses his audience into the past, Moses now compresses this generation into a future generation that is long settled into the land. In other words, Israel here is spoken to as a collective body that departed from Egypt through the Exodus, stood at Horeb, entered into a covenant with YHWH, will have possessed and settled the land of Canaan, and will have acted corruptly by falling into idolatry.

Nor does this collective identity of Israel cease, for the clause continues with the apodosis in verse 26. Here Moses calls upon heaven and earth to act as witnesses to the promised judgment that will come as the consequence of Israel's corrupt actions.[617] In the ANE treaty literature, the calling of witnesses is an important element; thus, Israel's covenant with YHWH bears important parallels with these texts.[618] Yet Tigay and Weinfeld note important differences which deserve mention. First, Weinfeld notes that, whereas in extant ANE treaties that invoke witnesses that are either deity or a part of nature in deified form,[619] in

614 This pattern within Deuteronomy gets to the heart of what is at stake for the present study, because it touches upon the illocutionary force of appeals to history.

615 Robson, *Deuteronomy 1–11*, 155 and Otto, *Deuteronomium*, 570.

616 Although many modern translations understandably translate the first Heb. words as "and you act corruptly *and* you make and idol," Robson notes that grammatically ועשיתם פסל should be understood to constitute the acting corruptly (והשחתם), thus my English translation: "and you act corruptly *by* making an idol." Robson, *Deuteronomy 1–11*, 146 (comment on 4:16).

617 The witnesses to a covenant are an important element in Hittite, Aramaic, and Neo-Assyrian treaties. However, in the biblical text this element of the treaty formula is preserved only in Deuteronomy (4:26; 30:19; and 31:28). Weinfeld, *Deuteronomy and the Deuteronomic School*, 62, 66. See also George E. Mendenhall, "Covenant Forms in Israelite Tradition," *BA* 17 (1954), 60. To this list of dt. examples offered by Weinfeld, one might add 4:32. Geller, "Fiery Wisdom," 129.

618 For example, *ANET*, 200–201, 205–206, 534–535, 538–541, and 659–660; also *COS*, II: 95, 105, and 113.

619 "The Vassal-Treaties of Esarhaddon," trans. by D.J. Wiseman (also known as The Succession Treaties of Esarhaddon) is a good example of this: "(the treaty) which he has made binding with you before Jupiter, Venus, Saturn, Mercury, Mars, and Sirius; before Ashur, Anu, Enlil, and Ea, Sin Shamash, Adad, and Marduk, […] you are adjured by Ashur, the father of the gods, lord of all lands; you are adjured by Anu, Enlil, and Ea, you are adjured by

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Deuteronomy YHWH is not invoked as a witness for the simple reason that he is a party to the covenant.[620] Tigay too recognises this, but further notes that in Deuteronomy creation is invoked as a witness in a non-deified form: heaven and earth are invoked as witnesses in as much as they are instruments under the sovereign control of YHWH, not because they hold any supreme authority themselves.[621] The importance of this is that "they enforce the covenant only in the sense that they are the means by which God enforces it."[622]

In Deuteronomy 4, Moses invokes heaven and earth to be witnesses to his promise of judgment if Israel forgets the covenant they have made with YHWH. But more than this, as Tigay argues, heaven and earth are elsewhere in Deuteronomy agents of God's judgment on Israel (Deut 11:17 and 28:23).[623] The future is potentially far less positive than Israel will have hoped, whilst standing on the plains of Moab. Indeed, the lexical connections to the corpus of curses in Deut 28:14–68 is stark, and indicates for the reader of the received text how negative the outcome of forgetting the covenant can be.[624]

But the unpleasant promise of punishment for forgetting the covenant is the correlative aspect to the promise of blessing. In fact, the promised judgments for forgetting the covenant (4:23) are opposite to the promises that to this point in Deuteronomy have been associated with entering and keeping the covenant (4:1, 6, and 40). Whereas Israel should live long, blessed lives in the land (4:1, 40), if it is

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Sin Shamash, Adad, and Marduk, […] you are adjured by all the gods of Sumer and Akkad, you are adjured by all the gods of every land, you are adjured by the gods of heaven and earth." Op. cit., (EST §2–3; *ANET*, 534–535). Originally published as idem, "The Vassal-Treaties of Esarhaddon," *Iraq* 20 (1958): i–ii+1–99+53 plates.

620 Weinfeld, *Deuteronomy and the Deuteronomic School*, 62. See also Mendenhall, "Covenant Forms," 60.

621 Tigay, *Deuteronomy*, 52.

622 Ibid.

623 This too is a common feature of ANE treaties. For example, the "God List, Blessings and Curses of the Treaty between Suppiluliumas and Kurtiwaza," trans. by Albrecht Goetze (*ANET*, 206) contains these words:

> If you, Kurtiwaza, the prince, and (you) the sons of the Hurri country do not fulfil the words of this treaty, may the gods, the lords of the oath, blot you out, (you) Kurtiwaza and (you) the Hurri men together with your country, your wives and all that you have.

The "lords of the oath" in this case are the sun god and a series of various storm gods. Op. cit., 205.

624 Several major verbs in vv. 26–30 also appears in the curses of Deut 28:14–68:
אבד – 4:26; and 28:20, 22, 51, 63
ירש – 4:26; and 28:21, 42, 63
שמד – 4:26; and 28:20, 24, 45, 48, 51, 61, 63
פוץ – 4:27 and 28:64
שאר – 4:27; and 28:51, 55, 62
נהג – 4:27 and 28:37 (the only occurrences of this root in Deuteronomy)
עבד – 4:28; and 28:14, 36, 39, 47, 48, 64, 68
צרר – 4:30 and 28:52 (the only occurrences of this root in Deuteronomy).

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unfaithful it will not prolong its days (לא־תאריכן ימים, verse 25), it will be wiped out (השמד תשמדון, verse 26), and it will be exiled (והפיץ יהוה אתכם בעמים, verse 27). Instead of becoming numerous (1:10–11), Israel will become few (מתי מספר בגוים אשר ינהג יהוה אתכם שמה, verse 27). Instead of being a people dedicated to YHWH, who is sovereign over all of his creation (4:20), Israel will serve impotent man-made gods[625] (ועבדתם־שם אלהים מעשה ידי אדם עץ ואבן אשר לא־יראון ולא ישמעון ולא יאכלון ולא יריחן, verse 28).[626] All of these horrors are the result of disobedience (idol making) which has its genesis in forgetting the covenant (verses 23, 25).

And yet, Moses is not finished declaring what the future holds for Israel, for it becomes clear that the judgments of exile serve the purpose of bringing Israel to a point of repentance and return. Return from exile begins first with Israel searching for YHWH (ובקשתם משם את־יהוה אלהיך ומצאת כי תדרשנו בכל־לבבך ובכל־נפשך, verse 29). Israel will ultimately find YHWH, though not without effort, as the phrase "with your whole heart and being" indicates; interestingly, the focus here and in verse 30 is on a return to YHWH rather than a return from exile. Indeed, verse 30 concludes with the telling statement: ושבת עד־יהוה אלהיך ושמעת בקלו. Moreover, whereas verse 26 promises that Israel will be scattered among the peoples, verse 30 indicates that Israel will return (not from among the peoples but) to YHWH. In other words, verse 30 expresses the restoration of Israel to the status of a people who is near to and obeys YHWH rather than one that serves "gods made by human hands" (verse 28).

The reason that Israel is not completely wiped out, but allowed to return to YHWH, is because of YHWH's compassion (כי אל רחום יהוה אלהיך, verse 31), which means that he will not fail Israel (לא ירפך), he will not destroy Israel (ולא

625 This verse has a fascinating reception history within the Jewish tradition. Particularly T^O and T^J witness to a strong opposition to Israel worshiping other gods. This is an interpretation adopted by Rashi as well.

T^O: And there will you serve the peoples who are worshippers of idols, the work of men's hands, wood and stone, which see not, nor hear, nor eat, nor smell.

T^J: And there will you be constrained to serve the worshippers of idols, the work of men's hands, of wood and stone, which see not, nor hear, nor eat, nor smell.

Rashi: ועבדתם שם אלהים – AND THERE YE SHALL SERVE GODS Understand this as the Targum does: And there ye shall serve peoples who serve idols, for since you serve those who serve them it will be as though you serve them.

The difficulty with this reading is that it goes against the plain sense of the text here as well as at Deut 28:64. The point of these parallel texts, rather, is that to serve other deities is a form of punishment. To live in obedience to YHWH leads to (and is a form of) blessing (Deut 4:5–8 and 28:1–14), but to live in disobedience leads to (and is a form of) curse (Deut 4:25–29 and 28:15–68).

626 Tigay notes some of these parallels in his *Deuteronomy*, 52.

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ישחיתך), and he will not forget the covenant that he made with Israel's fathers (ולא ישכח את־ברית אבתיך אשר נשבע להם).[627]

But what is the covenant to which Moses refers in verse 31? Is it, as some have argued, the eternal covenant made to Abraham, the father of Israel;[628] is this a reference, as in verse 23, to the Horeb covenant;[629] or is something else the intended referent?[630] The answer is by no means simple,[631] but it is helpful to understand that these three views fall into the following two categories: that which understands the covenant in its close context within Deuteronomy 4 and those which extend their view beyond to include the remainder of covenant language within the canon, especially the Pentateuch.

I will begin by addressing the close context surrounding verse 31, according to which there appears to be no reason to read the ברית אבתיך as a reference to the covenant that God made with the patriarchs. For many scholars who view the covenant of verse 31 as the Abrahamic covenant, an underlying assumption often at work is that Moses's affirmation – that God will neither forget the covenant nor utterly destroy Israel – must reflect the eternal qualities of that covenant. Yet, there is close contextual data to suggest similar enduring qualities regarding the Horeb covenant: 4:20 states that Israel was brought out of Egypt in order to be YHWH's people (לו לעם), an enduring (ביום הזה) inheritance. This statement comes as the conclusion of Moses's analysis of the Horeb theophany. Römer has argued that the pericope – beginning in verse 23 with an exhortation for Israel not to forget the Horeb covenant and concluding in verse 31 with the affirmation that God will not forget the covenant – makes it all but certain that the covenant of verse 31 is the same as that referenced in verse 23.[632] Therefore, there are reasons

627 See also "Hadad-Yithʿi," trans. by Alan Millard, *COS*, 153, where it states that Hadad-Yithʿi is "the merciful god to whom it is good to pray." This clear parallel to Deut 4:31 (and other biblical texts) has been noted by Victor Sasson, "The Aramaic Text of the Tell Fakhriyah Assyrian-Aramaic Bilingual Inscription," *ZAW* 97 (1985): 86–102.

628 For example, Tigay, *Deuteronomy*, 54; Nelson, *Deuteronomy*, 69; Veijola, *Das fünfte Buch Mose*, 109; Knapp, *Deuteronomium 4*, 36; Lundbom, *Deuteronomy*, 252; Weinfeld, *Deuteronomy*, 210; Driver, *Deuteronomy*, 75; and Perlitt, *Deuteronomium*, 355.

629 Otto, *Deuteronomium*, 580; Thomas Römer, *Israels Väter: Untersuchungen zur Vätertheamatik im Deuteronomium und in der deuteronomistischen Tradition* (OBO 99; Freiburg: Universitätsverlag and Göttingen: Vandenhoeck & Ruprecht, 1990), 138; Norbert Lohfink, *Das Hauptgebot: Eine Untersuchung literarischer Einleitungsfragen zu Dtn 5–11* (AnBib 20; Rome: Pontificio Istituto Biblico, 1963), 181; and J.A. Thompson, *Deuteronomy: An Introduction and Commentary* (TOTC; London: Inter-Varsity, 1976), 108.

630 Jerry Hwang argues for a panhistorical covenant in his *The Rhetoric of Remembrance: An Investigation of the "Fathers" in Deuteronomy* (SIPHRUT 8; Winona Lake: Eisenbrauns, 2012), 201–203 (quote from 202). His view is discussed below.

631 A common view is that vv. 23 and 31 come from disparate hand. See, for example, Knapp, *Deuteronomium 4*, 36.

632 Römer, *Israels Väter*, 137. This paralellism, along with further parallels between vv. 23–24 on the one hand and v. 31 on the other is illustrated below. The alternative is that v. 31 refers to

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within the section of 4:23–31 to link the Horeb covenant (verse 23) with God's special, enduring relationship with Israel (verse 31).

There are still further indications that the covenant in 4:31 is the covenant that God made with Israel at Horeb. When one reads the paraenesis of Deuteronomy 4 as a cohesive unit, the clear references to the Horeb covenant in verses 32–34 come as an explanation – thanks to the repetition of כי – for God's commitment to the covenant in question (verse 31), which is itself an explanation for YHWH's restoration of Israel from exile (verse 30).[633] The reason Israel can trust that God will not forget the covenant in question is grounded in Israel's unique experiences of surviving an encounter with God (verse 33) and the Exodus (verse 34). The fact that these two events are associated with the Horeb covenant confirm, for some, the understanding that verse 31 is a reference to Horeb.

If such a reading is adopted, the implications for understanding Deuteronomy 4 in light of cultural memory are not insignificant, for although verses 9–23 have clearly and repeatedly adopted a rhetoric that places the second generation at the foot of Horeb entering into that covenant, verse 31 indicates that this rhetoric of compression is not the only way that Moses can speak of that covenant.[634] Verse 31 indicates that Moses can speak of the same covenant as that which YHWH made with his audience (i. e., the second generation, verse 23) and as the covenant that he swore to his audience's parents (i. e., the Exodus generation, verse 31).[635] This observation points towards the conclusion that the rhetoric of generational compression is an *intentional* device which blurs the generational boundaries between Moses's audience and its parents. The text of Deuteronomy 4 promotes the contrasting depictions of the Horeb covenant as one that is, on the one hand, the covenant that YHWH made with the second generation (verse 23; also significantly 5:1–3 and 28:69 [Heb.]) and, on the other hand, the covenant that

the Abrahamic covenant, last mentioned in 1:8. See, for example, Perlitt, *Deuteronomium*, 355 and Driver, *Deuteronomy*, 75.

633 Otto has claimed (*contra* Braulik) that there is no textual reason to assume a redactional division between vv. 31 and 32. Otto, *Deuteronomium*, 576; and Braulik, *Die Mittel deuteronomischer Rhetorik*, 63. However, even if Braulik is correct that vv. 32ff. was a later addition, it is helpful to consider that the theology of the later editor allowed for the association between the "covenant of the fathers" (v. 31) and the Horeb covenant as described in vv. 32–34.

634 See 7.3.1. for an extended discussion on other possible ways that the past can be spoken of that either employ generational compression or do not.

635 It is for this reason that Bernd Biberger believes that 4:31 must be a reference to the patriarchs. He writes, "Die Adressatten der Berit in v. 31 verhalten sich zu den Adressaten der Berit in v.23 als אָבוֹת. Damit kann die Berit in V.31 gar nicht die Horeb-Berit Sein. Idem, *Unsere Väter und wir: Unterteilung von Geschichtsdarstellungen in Generationen und das Verhältnis der Generationen im Alten Testament* (BBB 145; Berlin: Philo, 2003), 344–346.

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YHWH made with that generation's parents (verse 31, see also 7:12 and 8:18).[636] The presence of both vocabularies lends weight to such a reading strategy.

Still, among those interpreters that look to the wider Pentateuchal context for interpretive clues, the vast majority of interpreters have read the ברית אבתיך of verse 31 as a reference to the covenant that God first made with Abraham. An excellent example of this reading is Weinfeld, who writes,

> God shows his grace to the sinners of Israel by virtue of his promise to the Patriarchs of Israel. Compare Moses's prayer after the sin of the golden calf: "Give thought to your servants Abraham, Isaac, and Jacob, and pay no heed to the stubbornness of this people" (9:27; cf. Exod 32:13; Lev 26:42, 45). […] The oath of God with the Patriarchs of Israel was an unconditional promise, a covenant of grace.[637]

With these words in mind, it is certainly understandable why Weinfeld and others have seen this reference to the ברית אבתיך as the eternal covenant that God made with the patriarchs. This claim is further strengthened when it is noted that verse 31 uses the verb שבע rather than כרת as in 4:23. This verb is associated with YHWH swearing by himself (בי נשבעתי נאם־יהוה, Gen 22:16aβ) to greatly bless Abraham after the binding of Isaac (Gen 22:16–18). Moreover, it has been argued that all later references to God having sworn[638] are references to that first instance of God swearing.[639]

There are also several texts in the rest of Deuteronomy in which God's actions on behalf of Israel are rooted in his previous actions to the patriarchs.[640] Particular attention here could be given to 7:8 and 9:5. In the first case (7:7–8), YHWH states:

> לא מרבכם מכל־העמים חשק יהוה בכם ויבחר בכם כי־אתם המעט מכל־העמים: כי מאהבת יהוה אתכם ומשמרו את־השבעה אשר נשבע לאבתיכם הוציא יהוה אתכם ביד חזקה ויפדך מבית עבדים מיד פרעה מלך־מצרים:

636 It is disputed whether Deut 7:12 and 8:18 are references to the Exodus generation or to the patriarchs. Biberger takes them to be references to the patriarchs and unlike Deut 4:31; idem, *Unsere Väter und wir*, 344–346. Römer, on the other hand, argues for these texts likely being references to the Exodus generation; idem, *Israels Väter*, 81–83 and 143–146.

637 Weinfeld, *Deuteronomy*, 210.

638 Here I am taking a cue from David Blumenthal, who notes that there are clear philological distinctions between an oath (נֶדֶר, from the verb נדר) and a swearing (שְׁבוּעָה, from the verb שבע). At issue here in Deuteronomy 4, as well as in the other passages cited, is the use of שבע; thus my decision to speak of swearing rather than "swearing an oath." Idem, "Confronting the Character of God: Text and Praxis," in *God in the Fray: A Tribute to Walter Brueggemann* (ed. by Timothy Beal and Tod Linafelt; Minneapolis: Fortress, 1998), 39.

639 R.W.L. Moberly, *The Bible, Theology, and Faith: A Study of Abraham and Jesus* (CSD 5; Cambridge: Cambridge, 2000), 12o; and Blumenthal, "Confronting the Character of God," 38–42.

640 Miller, *Deuteronomy*, 113.

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> It was not because you were more numerous than any other people that the Lord set his heart on you and chose you – for you were the fewest of all peoples. It was because the Lord loved you and kept the oath that he swore to your ancestors, that the Lord has brought you out with a mighty hand, and redeemed you from the house of slavery, from the hand of Pharaoh king of Egypt.

Similarly, 9:5 reads:

> לא בצדקתך ובישר לבבך אתה בא לרשת את־ארצם כי ברשעת הגוים האלה יהוה אלהיך מורישם מפניך ולמען הקים את־הדבר אשר נשבע יהוה לאבתיך לאברהם ליצחק וליעקב׃

> It is not because of your righteousness or the uprightness of your heart that you are going in to occupy their land; but because of the wickedness of these nations the Lord your God is dispossessing them before you, in order to fulfill the promise that the Lord made on oath to your ancestors, to Abraham, to Isaac, and to Jacob.

In both of these texts, what stands out is the strong precedent of God's promises to the patriarchs. It is because of the swearing that God made to Abraham, Isaac, and Jacob (and his covenant keeping nature), that he brought Israel's descendants out of Egypt and will apportion to Israel the land of Canaan as its inheritance. Thus there is a strong interconnection between the promises to the patriarchs and YHWH's subsequent actions on behalf of their descendants. Therefore, if one is to read Deut 4:31 as a reference to God's covenant with Abraham, it would be in accordance with the overall role which that covenant plays within Deuteronomy.

Yet the issue is further complicated, for although it is not insignificant that God's swearing in Deut 4:31 establishes a possible resonance with that first swearing of God in Gen 22:16, it is noteworthy that the object of שבע in Deut 4:31 is ברית, a combination that occurs nowhere in the Tetrateuch.[641] Instead, the Tetrateuch speaks of YHWH making (כרת) or establishing (הקים) a covenant. This trend is also consistent in Deuteronomy, where the combination of God as subject (in each case with the use of the Tetragrammaton), כרת as verb, and ברית as object constantly refers to the Horeb covenant (4:23; 5:2, 3; 9:9; 28:69 (Heb.); and 29:24). This points up further the highly Horeb-focussed nature of the context in which verse 31 is read. The effect, therefore, of the use of שבע within a context of conspicuous and repeated references to the Horeb covenant in Deut 4:10–40 is that identifying the covenant of this verse is an especially difficult exegetical problem: certain data pulls the exegete towards seeing resonances with God's covenant with Abraham, whilst other data simultaneously pushes the exegete towards prioritising a connection to Horeb.

641 Hwang, "*The Rhetoric of Remembrance*," 191.

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For this reason, as well as because of the rhetoric of "corporate solidarity"[642] – what I have called generational compression – Hwang has argued for a panhistorical covenant "that extends outside the narrative world of Deuteronomy to encompass all of YHWH's past and future dealings with Israel – from the patriarchal promises to the return from exile, under a singular and all-encompassing covenant that is simultaneously 'unconditional' and 'conditional.'"[643] From an exilic perspective, the "fathers" of verse 31 become "all of Israel's ancestors," and the ברית אבתיך is a reference to all of God's past dealings with his people, Israel.[644] According to Hwang, this reading of the ברית אבתיך fits with the generally "timeless quality" of Moses's rhetoric.[645]

Although this interpretation is interesting and may answer several important questions from a broad, canonical perspective,[646] the immediate context makes it all but certain, to my mind, that this covenant of verse 31 is the same as that mentioned in verse 23. This connection is strongly established by the chiastic structure that exists between verses 23–24 on the one hand and verse 31 on the other.[647]

A[23] השמרו לכם פן־תשכחו את־ברית יהוה אלהיכם אשר כרת עמכם ועשיתם לכם פסל תמונת כל
אשר צוך יהוה אלהיך:
B[24] כי יהוה אלהיך אש אכלה הוא אל קנא:

A [23] Take care, lest you forget the covenant of the Lord your God, which he made with you, and make a carved image, the form of anything that the Lord your God has forbidden you. (ESV)
B [24] For the Lord your God is a consuming fire, a jealous God. (ESV)
[Verses 25–30: Israel will forget the covenant and experience the consequences of that forgetting.]

B'[31] כי אל רחום יהוה אלהיך
A' לא ירפך ולא ישחיתך ולא ישכח את־ברית אבתיך אשר נשבע להם:

642 Hwang, "*The Rhetoric of Remembrance*," 199–201.
643 Hwang, "*The Rhetoric of Remembrance*," 202.
644 Hwang, "*The Rhetoric of Remembrance*," 203.
645 Hwang, "*The Rhetoric of Remembrance*," 204. Although this language lacks the specificity that this discussion requires, Hwang's point is clear enough. He reads the rhetoric of Deuteronomy 4 in light of the world of the text and the transition from one generation to the next. Ibid. I would, however, prefer not to speak of this particular text as "timeless." If this text were to lose its sense of time, the effect of compressing generations would be muted, if not lost entirely. The sense of time in this text is not "timeless," but rather intentionally transgressive of temporal boundaries.
646 According to Hwang, "This hypothesis accounts for the repetition of various forms of the *Bundesformel* at so many critical junctures in Israel's history and across ostensibly different covenants;" idem, "*The Rhetoric of Remembrance*," 202.
647 Biberger, *Unsere Väter und wir*, 346.

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A' [31] For the LORD your God is a merciful God.
B' He will not leave you or destroy you or forget the covenant with your fathers that he swore to them. (ESV)

Further implications of this chiasm will be drawn out at the conclusion of this section below, but for now it is enough to note the role verses 23–24 and 31 play in adding comment to the divergent responses by Israel and YHWH to their joint covenant made at Horeb and recounted in verses 9–20. Whereas Israel's tendency is to forget and act corruptly – in response to which YHWH acts in judgment – YHWH's nature is to act in compassion and in faithfulness to the covenant relationship despite Israel's standing within that relationship.[648]

A second weakness in Hwang's interpretation is his reliance upon reading "fathers" as "all of Israel's ancestors from a postexilic perspective."[649] It may be granted that, from a postexilic perspective, the specificity of identifying "the fathers" becomes problematic, and yet within the world of the text, the burden of evidence seems to be on the side of identifying the ברית אבתיך with the Horeb covenant. From the historical vantage point of exile, God's past dealings with the patriarchs and the nation of Israel more generally may very well begin to lose their specificity, but that is not a problem for the second generation within the world of the text. Still, it is important to note that even if the Abrahamic covenant is not in view in verse 31, it is never far from the world of Deuteronomy, for that relationship with Abraham, Isaac, and Jacob appears to be the clear referent in

648 What it means to "forget the covenant" (Deut 4:23) or else to "not forget" it (4:31) is often taken for granted in commentary literature. The biblical text rarely speaks of Israel forgetting a covenant (only Deut 4:23 and 2 Kings 17:38); KNAPP, *Deuteronomium 4*, 79. Instead, Israel is most often (even in Deuteronomy) said to have forgotten YHWH (e.g., Deut 6:12; 8:11, 14, 19; Hos 2:15 (Heb.); 8:14; 13:6; Jer 3:21; 13:25; 18:15; 23:27; Judg 3:7; 1 Sam 12:9; 2 Kings 17:38). And yet, because the circumstances that lead to the forgetting and the consequences of that forgetting are the same (compare, for example, Deut 4:23 in which Israel forgets the covenant and 8:11–20 in which Israel forgets YHWH), it is reasonable to conclude that these phrases are more or less interchangeable. CRAIGIE even comes close to equating the two when he writes, "to forget the covenant was to forget the relationship that provided the total *raison d'être* of the Israelites;" idem, *Deuteronomy*, 138. LUNDBOM does equate them; idem, *Deuteronomy*, 245 and 886. WEINFELD also seems to equate them when he writes of Deut 8:11, "Forgetting YHWH means ignoring his existence as well as his demands;" idem, *Deuteronomy*, 394. Within the context of Deuteronomy 4, Moses makes his meaning clear: to forget the covenant of the Lord God (ברית יהוה אלהיכם) is to make idols and images, wilfully disobeying the injunctions of the Decalogue commanded by YHWH (4:11). As Brueggemann writes, "The general contrast of *covenant obedience* and *disobedient idolatry* that constitutes the great decision Israel faces is now given historical specificity. The injunction of verse 23 again contrasts covenant and idol." BRUEGGEMANN, *Deuteronomy*, 55 (emphasis original). See Horst Dietrich PREUSS, "שָׁכַח," *TDOT* 14:674; Leslie C. ALLEN, "שכח," *NIDOTTE* 4:104; and Barat ELLMAN, *Memory and Covenant: The Role of Israel's and God's Memory in Sustaining the Deuteronomic and Priestly Covenants* (Minneapolis: Fortress, 2013), 75–104.

649 HWANG, "*The Rhetoric of Remembrance*," 203.

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verses 37–38, in which, just as in 7:7–8 and 9:5 above, God's love for the "fathers" is presented as the reason for the nation's election, for God bringing Israel out of Egypt, and for God giving Israel the land of Canaan. The text reads:

> ותחת כי אהב את־אבתיך ויבחר בזרעו אחריו ויוצאך בפניו בכחו הגדל ממצרים: להוריש גוים גדלים ועצמים ממך מפניך להביאך לתת־לך את־ארצם נחלה כיום הזה:
>
> And because he loved your ancestors, he chose their descendants after them. He brought you out of Egypt with his own presence, by his great power, driving out before you nations greater and mightier than yourselves, to bring you in, giving you their land for a possession, as it is still today.

These verses share many affinities with Deut 7:7–8 and 9:5, including the strong causal link between God's previous covenantal relationship with the patriarchs, which serves as the foundation for the nation's election, the Exodus, the conquest of Canaan, and the inheritance of the land promised to the patriarchs. As a result, the connection between the Horeb covenant, as recounted in Deuteronomy 4, and the covenant to the patriarchs is preserved, but without the risk of verse 31's ברית אבתיך bearing more exegetical strain than it can.

Regardless of how ברית אבתיך is read in verse 31, however, it is important to note that this verse, which concludes the present textual unit, is parallel to and qualifies verse 24.[650] Both verses conclude their respective sections with a statement regarding YHWH's character.[651] In verse 24, YHWH is "a consuming fire, a jealous God" (אש אכלה הוה אל קנא); in verse 31 he is "a compassionate God – he will not fail you nor will he let you perish, nor will he forget the covenant of your fathers which he swore to them (AT)" (אל רחום יהוה אלהיך לא ירפך ולא ישחיתך ולא ישכח את־ברית אבתיך אשר נשבע להם).[652] God is a consuming fire, but this must be understood in light of his compassion.[653] In the words of Brueggemann, "The verses focus on the alternative ways in which YHWH may be inclined towards Israel, inclinations that match Israel's propensity towards YHWH, and that are connected with concrete moments in Israel's life."[654] Israel's rebellion against YHWH results in YHWH's jealousy and Israel's exile, whereas Israel's return to YHWH results in YHWH's mercy and (presumably) Israel's return from exile.

At this point it may be helpful to contrast Brueggemann's historical approach to the one that I am proposing, for when Brueggemann continues, he situates his

650 Römer, *Israels Väter*, 137.

651 Biberger, *Unsere Väter und wir*, 346.

652 Robson, *Deuteronomy 1–11*, 160–161 has argued convincingly that v. 31's opening statement אל רחום יהוה אלהיך is the main clause of the sentence which is then explicated with the three negative actions.
Tigay, *Deuteronomy*, 54.

653 Tigay, *Deuteronomy*, 54.

654 Brueggemann, *Deuteronomy*, 56.

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interpretation within the (possible) historical setting of its composition. He writes,

> The speech in these verses is a *retrospect* on *disobedience/deportation/jealousy* and a *prospect* on *turning/restoration/mercy.* The speaker is situated just at the pivot point between "there" (Babylon) and "from there." The text addresses Israel, who is situated (at the Jordan) between remembered disobedience and anticipated mercy, and now must decide.[655]

Although this reading may fit within a particular experience of Israel, it leaves the rhetorical power of the world within the text unaddressed. Only when one reads the text with a second naiveté can one begin to appreciate the fact that entire generations are compressed into a communal identity. In other words, the same generation that is compressed into its parents's generation at Horeb can then be compressed into its descendants's generation in exile.

In Deuteronomy 4 this compression has been closely associated with the language of covenant. Israel is placed at the foot of Horeb in order to establish that covenant as an enduring reality.[656] In response to those events, Israel is exhorted not to forget the covenant (verse 23). This "not forgetting" of the covenant is to reflect YHWH's own character as a god who does not forget his covenant (verse 31).[657]

6.3.5. Verses 32–40

The discussion has now reached the final portion of the text, which contains some of the most rhetorically dense statements in all of Deuteronomy 4. The paragraph begins in verse 32 with כי, thereby indicating its explanatory function regarding what comes before – namely, the claim in verse 31 that YHWH is a compassionate God (אל רחום) who will neither fail Israel nor forget the covenant which he made at Horeb with its fathers.[658] Verse 31 itself is grammatically

655 Brueggemann, *Deuteronomy*, 57. See also the discussion of Dominik Markl who has recently drawn important connections between life in exile and Deut 4's monotheistic claims in his "The Babylonian Exile as the Birth Trauma of Monotheism," *Biblica* 101 (2020) 1–25.

656 Brevard S. Childs, *Old Testament Theology in a Canonical Context* (Philadelphia: Fortress, 1985), 56 and 94.

657 Indeed, "The vb. [שכח] often has God as subject, with reference to his commitment to covenant obligations;" Allen, "שכח," *NIDOTTE* 4:104. In other words, "among statements regarding Yahweh's forgetting those asserting that he does *not* forget predominate;" Preuss, "שָׁכַח," *TDOT* 14:676.

658 Robson, *Deuteronomy 1–11*, 162. He is following Driver, *Deuteronomy*, 75. This view is taken against Alexander Rofé's claim that Deut 4:32–40 is wholly independent from the rest of the chapter, offering no explanation of what precedes. Idem, "The Monotheistic Argu-

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connected to verse 30 through the identical usage of כי, and indicates that Israel's future return to YHWH is a result of YHWH's compassion. Moreover, the rhetorical questions of verses 33 and 34 imply that Israel's place in history is far from ordinary. Indeed, Israel is a unique people with unique experiences. But I must begin the discussion at verse 32, wherein the reader sees time and space compressed in a remarkable way and for a remarkable purpose.

Our pericope begins with the striking rhetorical exclamation that serves to set the context within which Israel is to receive and consider the two rhetorical questions.

> כי שאל־נא לימים ראשנים אשר־היו לפניך למן־היום אשר ברא אלהים אדם על־הארץ ולמקצה השמים ועד־קצה השמים הנהיה כדבר הגדול הזה או הנשמע כמהו׃
>
> For ask now about former ages, long before your own, ever since the day that God created human beings on the earth; ask from one end of heaven to the other: has anything so great as this ever happened or has its like ever been heard of?

The context in which Israel is to consider the future events depicted in verses 24–31 generally – and YHWH's compassion specifically – is the whole span of human history throughout the created order. This rhetorical move is not dissimilar to what has been seen in 4:4–20. In both cases, time is compressed and distinctions between past and present become secondary issues. These distinctions do not fade into obsolescence, but instead allow for theologically pregnant concerns for present members of the community of faith to be addressed in a contemporary manner.

These theological concerns, which run from verse 32 through to verse 40 (esp., verses 35 and 39) have often been characterised under the heading "monotheism."[659] Nathan MacDonald, however, has argued that reading these verses with modern notions of "monotheism" – that is, that there is a single deity and all others are rather non-deities – is mistaken.[660] Instead, MacDonald argues that the concern of the deuteronomic verses commonly associated with strict monotheism are best understood as a claim that, although other deities exist, "YHWH is the only god for Israel. Such a claim upon Israel is, in the context of Deu-

mentation in Deuteronomy IV 32–40: Contents, Composition and Text," *VT* 35 (1985): 434–445.

659 Idem, "The Monotheistic Argumentation;" Craigie, *Deuteronomy*, 143; Donald G. Dawe, "Deuteronomy 3:32–40," *Int* 47 (1993): 159–162; Driver, *Deuteronomy*, 76; Tigay, *Deuteronomy*, 57; Weinfeld, *Deuteronomy*, 212; Lundbom, *Deuteronomy*, 254; and Otto, *Deuteronomium*, 583–585.

660 Nathan MacDonald, *Deuteronomy and the Meaning of "Monotheism"* (FAT II/1; Tübingen: Mohr Siebeck, 2003), 78–85.

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teronomy 4, grounded in the argument that YHWH is like no other."[661] MacDonald continues,

> In no case is the existence of other deities denied, though YHWH is affirmed to be unique. Each statement, however, functions in a different way. The statements in Deuteronomy 4 are the culmination of an argument based on the experience of Israel at Egypt and Sinai. They are a call to Israel to recognize and acknowledge that YHWH is unique, and thus the only god for them [*sic*]. The consequence of this recognition is that other gods should not be worshipped. In the first commandment this is expressed as an absolute prohibition.[662]

Although MacDonald may be correct, and I believe that he is,[663] might there still be more that can be said? I believe so, for although verses 35 and 39 appear in the text to be theological conclusions based on Israel's experiences at Horeb and the Exodus, these are not the only conclusions that Israel is to accept.

In addition to YHWH's uniqueness among deities (אין עוד, verse 39) this concluding paragraph perhaps has more to say about Israel's uniqueness among peoples of the earth (verses 33–34), for when all of human history is constricted (verse 32), it is claimed that Israel has had unique experiences:[664] only Israel has heard the voice of a god from the fire and survived (verse 33) and only Israel has been taken from the midst of another people by its god (verse 34). Furthermore, Moses continues his assessment of the past by drawing the following conclusions

661 MacDonald, *Deuteronomy and the Meaning of "Monotheism,"* 84. Benjamin D. Sommer recently noted, "To be a useful category for scholars of religion to think with, monotheism has to be a matter of divinity's quality, not its quantity; to use Cohen's terms: monotheism must be concerned with God's uniqueness, not with God's oneness." Idem, "Yehezkel Kaufmann and Recent Scholarship: Toward a Richer Discourse of Monotheism," in *Yehezkel Kaufmann and The Reinvention of Jewish Biblical Scholarship* (OBO 283; ed. by Job Y. Jindo et al.; Freiburg: Universitätsverlag and Göttingen: Vandenhoek & Ruprecht, 2017), 212–214 (quote from 214); see Hermann Cohen, *Religion of Reason Out of the Sources of Judaism* (2d. ed.; trans. by Simon Kaplan; Atlanta: Scholars, 1995), 35.

662 MacDonald, *Deuteronomy and the Meaning of "Monotheism,"* 85. Similar interpretations of Deut 4:35 and 39 have been offered by Eric E. Elnes, "Discerning the Difference: The Distinctiveness of Yahweh and Israel in the Book of Deuteronomy" (Ph.D. diss., Princeton Theological Seminary, 1997), 123–129.

663 It is worth noting the critical reviews of MacDonald offered in Eckart Otto, "Monotheismus im Deuteronomium oder Wieviel Aufklärung es in der Alttestamentlichen Wissenschaft gegen soll: Zu einem Buch von Nathan McDonald [*sic*]," *ZAR* 9 (2003): 251–257; and Georg Braulik, "Monotheismus im Deuteronomium: Zu Syntax, Redeform und Gotteserkenntnis in 4,32–40," *ZAR* 10 (2004):169–194. More recently, Schaper has offered strong criticism of MacDonald's claim; see Joachim Schaper, *Media and Monotheism: Presence, Representation, and Abstraction in Ancient Judah* (ORA 33; Tübingen, Mohr Siebeck, 2019), esp. 40.

664 Rofé has argued that claims of Israelite uniqueness in Deut 3:32–40 and 5:19–27 are, first, in contradiction to the depictions of Israel as fearful at Horeb within these texts; and, secondly, are later additions attempting to depict both the revelation received at Horeb and the people having an exceptional status, even greater than the prophets. Idem, "The Monotheistic Argumentation."

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from these experiences: 1) YHWH allowed Israel to hear his voice and to see his fire so that the nation might know that he is God (verses 35–36); and 2) YHWH brought Israel out of Egypt because he loved the fathers – the patriarchs – and chose their descendants after them (verses 37).[665]

The argument from experience is powerful precisely because of the frame of reference that Moses employs. Has any other nation had such experiences? No. Has any other god done these things? No. "The claim being made by Moses, is that Yahweh has given Israel 'everything,' and other gods have given it 'nothing.' Beside Yahweh there 'is no other' because, beside Yahweh, there *has been* no other."[666] But the argument can be made in the other direction as well: Israel is the elect nation from all the tribes of the earth (cf. Deut 7:7–8) and for YHWH there *has been* no other people upon whom he has set his love. In the same way that Israel is the elect people of YHWH, Deuteronomy calls upon Israel to make YHWH its elect deity, to choose to live faithfully to him in the same way that YHWH has been faithful to Israel (cf. Deut 7:8–9). Yet, such a comprehensive conclusion is only possible within the context of verse 32, which calls on Israel to compress time and space. It is only when the boundaries that divide past, present, and future are disregarded that "one's people's history [can become] one's personal history."[667]

665 There is a fascinating reception history of v. 37, which indicates the challenges surrounding its translation, as the texts below indicate:

LXX: καὶ ἐξήγαγέν σε αὐτὸς ἐν τῇ ἰσχύι αὐτοῦ τῇ μεγάλῃ ἐξ Αἰγύπτου

T^O: וְאַפֵּקָךְ בְּמֵימְרֵיה בְּחֵילֵיה רַבָּא מִמִּצְרַיִם:

Vul: Eduxitque te praecedens in virtute sua magna ex Aegypto.

Rashi: ויוצאך בפניו: כְּאָדָם הַמַּנְהִיג בְּנוֹ לְפָנָיו

It is possible that this tradition seeks to emphasise the personal role of YHWH in the Exodus from Egypt over and against possible (mis)readings that read Israel being led by an intermediary – a reading associated with Isa 63:8–9:

וַיֹּאמֶר אַךְ־עַמִּי הֵמָּה בָּנִים לֹא יְשַׁקְּרוּ וַיְהִי לָהֶם לְמוֹשִׁיעַ: בְּכָל־צָרָתָם | לֹא צָר וּמַלְאַךְ פָּנָיו הוֹשִׁיעָם בְּאַהֲבָתוֹ וּבְחֶמְלָתוֹ הֽוּא גְאָלָם וַיְנַטְּלֵם וַיְנַשְּׂאֵם כָּל־יְמֵי עוֹלָם:

He thought: Surely they are My people, Children who will not play false. So He was their Deliverer. In all their troubles He was troubled, And the angel of His Presence delivered them. In His love and pity He Himself redeemed them, Raised them, and exalted them All the days of old. (NJPS)

However, with a qere/ketiv variant (לֹא read as לוֹ) and a change from צָר to צַר from the LXX (οὐ πρέσβυς οὐδὲ ἄγγελος ἀλλ᾽ αὐτὸς κύριος ἔσωσεν αὐτοὺς) v. 9 can be read:

בְּכָל־צָרָתָם | לוֹ צַר וּמַלְאַךְ פָּנָיו הוֹשִׁיעָם

Not an ambassador or an angel, (but) His Presence saved them

For further discussion of this reading, see Shalom M. Paul, *Isaiah 40–66: Translation and Commentary* (ECC; Grand Rapids: Eerdmans, 2012), 570–572. This discussion shows that the reception of Deut 4:37 and Isa 63:9 evidences a desire to highlight the personal role of YHWH in the Exodus rather than an Exodus mediated by a representative.

666 Elnes, "Discerning the Difference," 129 (emphasis original).

667 Levenson, *Sinai and Zion*, 39.

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6.4. Conclusions

The present chapter has attempted to offer a reading of Deut 4:1–40 that imaginatively presents an account of the rhetoric of generational compression. I began by claiming that this rhetoric might well be understood as in some way relating to Jan Assmann's mnemotechnics. First, I noted that the paraenesis begins by appealing to Israel's direct, visual memory of what transpired at Baal-Peor. Regardless of whether or not Israel has actually experienced what they are said to have experienced, appeals to Israel's memory of various events continue throughout the text. Secondly, I addressed the many instances of compression, which are intended to place a later generation of Israel into the experiences of its ancestors, who stood at Horeb and entered into that covenant with YHWH. In this respect, I noted that the language of sensory perception within the chapter makes no discernible distinction between Israel's direct experiences of the created order and its transmitted, mediated experiences of Horeb. Thirdly, I addressed the forward-facing compression that places the present Moab generation into the shoes of its descendants, who will forget the Horeb covenant and go into exile. Finally, I addressed the paraenesis's conclusion, which is predicated upon the compression of all human history into a single moment. Only when all human experiences across time and space are set before Israel can it begin to appreciate its uniqueness among the nations and YHWH's uniqueness among the gods.

In the next chapter I will attempt to take this discussion further by asking how this exegetical treatment of Deut 4:1–40 fits into the larger picture of covenant making and covenant keeping. In other words, although speaking of the rhetoric of generational compression may rightly fit under the rubric of deuteronomic mnemotechnics, I do not believe that the functionality of this rhetoric is exhausted by its role as a technique of memory. Instead, this compression of generations has the important theological function of enabling the covenant to be an enduring reality for later members of the community – a trans-generational covenant. This discussion touches on such issues as the theological function of the historical prologue and the importance of ritual for shaping and preserving a cultural memory.

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7. Generational Compression Examined

A major function of the historical prologue is to narrow the gap between generations, to mold all Israel, of whatever era, into one personality that can give an assent to the divine initiative. "Your own eyes have seen what I did to the Egyptians" (Deut 4:7). History is telescoped into collective biography. What your ancestors saw is what *you* saw. God's rescue of them implicates *you*, obliges *you,* for *you*, by hearing this story and responding affirmatively, become Israel, and it was Israel whom he rescued. Telling the story brings it alive.[668]

The theological implications of the canonical role of Deuteronomy for understanding the Sinai traditions are fundamental. Moses is portrayed as explaining the divine will to a new generation which had not itself experienced the formative events of its religious history. Deuteronomy, therefore, serves as an authoritative commentary on how future generations are to approach the Law and how it functions as a guide for its interpretations. Thus, God's covenant is not tied to past history, but is still offered to all Israel of every generation.[669]

7.1. Introduction

What remains of this discussion is to synthesise the form and function of the rhetoric that I am calling "generational compression" and to attempt to offer theologically constructive claims regarding the nature of covenant and communal, trans-generational responsiveness. In order to accomplish this task, it is necessary to address generational compression more broadly. This will require me to address the possible use of similar rhetorical techniques within contemporary ANE treaty texts as well as generational compression within biblical texts beyond Deuteronomy 4. From the discussion that follows, it will become clear that the rhetorical compression of later generations into the Horeb event is

668 Jon D. Levenson, *Sinai and Zion: An Entry into the Jewish Bible* (New York: Harper Collins, 1985), 38 (emphasis original).

669 Brevard S. Childs, *Old Testament Theology in a Canonical Context* (Philadelphia: Fortress, 1985), 56.

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by no means an inevitable rhetorical move on the part of the biblical authors, but instead is a deliberately chosen device. I will then conclude by pointing up possible theological implications for understanding the nature of covenant remembering.

7.2. Other ANE Treaty Texts and Generational Compression

It is difficult to imagine a discussion of Israelite covenant or the book of Deuteronomy being complete without a discussion of relevant ANE texts. After the ground-breaking work of Mendenhall and others, it is clear to biblical scholars – and now very much taken for granted – that important connections exist between the covenant language of the Pentateuch and other ANE treaties.[670] Although the foundational comparative work was between Israelite covenantal texts and Hittite treaties,[671] recent scholars have turned their attention to the Neo-Assyrian text of *Esarhaddon's Succession Treaties* (hereafter EST, formerly known as the *Vassal-Treaties of Esarhaddon*).[672] The reason for this turn in attention is chronological. Dominik Markl has recently noted that although the biblical covenants do contain comparable elements to the extant Hittite treaties, a fact some

670 See esp., George E. Mendenhall, "Covenant Forms in Israelite Tradition," *BA* 17 (1954): 50–76.

671 See esp., Dennis J. McCarthy, *Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and in the Old Testament* (AnaBib 21 A; Rome: Biblical Institute, 1981); and Moshe Weinfeld, *Deuteronomy and the Deuteronomic School* (Oxford: Oxford, 1972).

672 More recent work is represented by Bernard M. Levinson, "Die neuassyrischen Ursprünge der Kanonformel in Deuteronomium 13,1" in *Viele Wege zu dem Einen: Historische Bibelkritik – Die Vitalität der Glaubensüberlieferung in der Moderne* (ed. by Stefan Beyerle et al.; BThSt 121; Neukirchen-Vluyn: Neukirchen Verlag, 2012): 23–59; Eckart Otto, *Das Deuteronomium: Politische Theologie und Rechtsreform in Juda und Assyrien* (BZAW 284; Berlin: Walter De Gruyter, 1999); Karen Radner, "Assyrische *tuppi adê* als Vorbild für Deuteronomium 28,20–44?" in *Die deuteronomistischen Geschichtswerke: Redaktions- und religionsgeschichtliche Perspektiven zur "Deuteronomismus" – Diskussion in Tora und Vorderen Propheten* (BZAW 365; ed. by Markus Witte et al.; Berlin: Walter de Gruyter 2006): 351–378; Hans Ulrich Steymans, *Deuteronomium 28 und die adê zur Thronfolgeregelung Asarhaddons: Segen und Fluch im Alten Orient und in Israel* (OBO 145; Freiburg: Universitätsverlag and Göttingen: Vandenhoek & Ruprecht, 1995; idem, "Die neuassyrische Vertragsrhetorik der 'Vassal Treaties of Esarhaddon' und das Deuteronomium" in *Das Deuteronomium* (ÖBS 23; ed. by Georg Braulik; Frankfurt am Main: Peter Lang, 2003): 89–152; idem, "Die literarische und historische Bedeutung der Thronfolgevereidigungen Asarhaddons" in *Die deuteronomistischen Geschichtswerke: Redaktions- und religionsgeschichtliche Perspektiven zur "Deuteronomismus" – Diskussion in Tora und Vorderen Propheten* (BZAW 365; ed. by Markus Witte et al.; Berlin: Walter de Gruyter 2006): 331–349; and idem "DtrB und die *adê* zur Thronfolgeregelung Asarhaddons" in *Deuteronomium: Tora für eine neue Generation* (BZAR 17; ed. by Georg Fischer et al.; Wiesbaden: Harrassowitz, 2011): 161–192.

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scholars still wish to highlight,[673] "it is highly unlikely that these Hittite examples, which date from between the fifteenth and the thirteenth century BCE, had *direct* influence on biblical texts, since the emergence of major literary activity in Israel can be assumed only starting from the middle of the ninth century BCE."[674] Markl continues by stating that "it is most likely that Neo-Assyrian treaties did indeed have direct influence on scribes during the late monarchy of Judah."[675] This, of course, does not preclude indirect influence, but Markl's point, if correct, does point up the fact that covenant texts within the Old Testament were developed and written within a complex historical context. Moreover, this environment of development and writing has been a source of enrichment for the scholarly understanding of Deuteronomy. Thus, I will briefly turn to a sample of ANE treaty texts for insight. Given the limited space here and the extensive historical work already done by others, it may be best to proceed thematically based on discernible influences from these treaty texts upon Deuteronomy instead of moving chronologically from Hittite to Neo-Assyrian treaties.

7.2.1. Treaty Structure and the Historical Prologue

If Markl is correct that the issue at stake is chronological, then (assuming a seventh or sixth century BCE date for Deuteronomy) the Neo-Assyrian treaties may be the best texts for comparative study because of their developed use of curses.[676] On the other hand, some have attempted to use the nine-fold structure of Hittite treaties (particularly the historical prologue, which is conspicuously absent from EST) to argue for ascribing an early date to Deuteronomy.[677] However, apart from the absence of the historical prologue in EST, there remains possible evidence of Hittite influence on later Neo-Assyrian treaties in traces of an historical prologue in such texts as "Assurbanipal's Treaty with the Qedar

673 Joshua Berman, "Histories Twice Told: Deuteronomy 1–3 and the Hittite Treaty Prologue Tradition," *JBL* 132 (2013): 229–250; repr. in idem, *Inconsistency in the Torah: Ancient Literary Convention and the Limits of Source Criticism* (Oxford: Oxford, 2017): 63–80; as well as idem, "CTH 133 and the Hittite provenance of Deuteronomy 13," *JBL* 130 (2011): 25–44.

674 Dominik Markl, "God's Covenants with Humanity and Israel" in *The Hebrew Bible: A Critical Companion* (ed. by John Barton; Princeton: Princeton, 2016), 313–314 (emphasis original). It is left unclear to the reader how Markl knows to be true this strong claim that literary activity only began in the middle of the 9th c. BCE.

675 Markl, "God's Covenants," 314.

676 Ibid. See also Steymans, *Deuteronomium 28 und die adê zur Thronfolgeregelung Asarhaddons*; and Radner, "Assyrische *ṭuppi adê* als Vorbild für Deuteronomium 28,20–44?"

677 Kenneth A. Kitchen, *Ancient Orient and Old Testament* (London: Tyndale, 1966), 92–102.

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Tribe."[678] This observation, first made by Noel Weeks, may neutralise the chronological question and support a growing concern that the issues of influence are perhaps more complex than originally envisaged.[679] According to Weeks, the particular structure of Israelite covenant texts – even the historical prologue – can no longer be assumed to result from Hittite sources exclusively.[680]

At this point, it becomes apparent that comparisons between biblical covenant texts and Hittite and Neo-Assyrian texts, though less than clear regarding issues of historical influence, may yet prove fruitful for conceptual or theological purposes. Considering the multitude of studies already conducted – and no doubt currently underway – comparing the structure and content of biblical covenant texts to other ANE treaty texts, I wish here to take a different approach: instead of undertaking a direct textual comparison, I will begin by discussing possible rhetorical purposes of the historical prologue of a well-known Hittite treaty. This exercise will also point up an important difference that may exist between this treaty and the deuteronomic account of covenant discussed in the previous chapter.

In roughly 1315 BCE, the Hittite king Muršili II entered into a peace treaty with Duppi-Tessub, ruler of Amurru.[681] The treaty, written from the perspective of Hatti, indicates that the two nations had a typical suzerainty-vassal relationship. This treaty document demonstrates an attempt by Muršili II to ensure that the relationship continues after a new ruler has ascended the throne of his vassal kingdom Amurru. Muršili issues the treaty to his vassal in order to guarantee the

678 Simo Parpola and Kazuko Watanabe, eds., "Assurbanipal's Treaty with the Qedar Tribe," in *Neo-Assyrian Treaties and Loyalty Oaths* (SAA 2; Helsinki: Helsinki, 1988), 68 (lines 4–14). The possible historical prologue reads as follows:

> [*Considering* th]at Yauta' (your) malef[actor] handed all [Arab]s over to destruction [through] the iron sword, and put you to the sword,
> [and that Assur]banipal, king of Assyria, your lord, put oil on you and turned his friendly face towards you,
> You shall not strive for peace with Yauta',
> You shall not [. . . with] your brothers, [your] unc[les. ..

In contrast to this text, the historical prologue(s) of Deuteronomy focus on what YHWH has done positively *for* Israel rather than what others have done negatively *against* Israel. And yet, this second aspect is not absent from the biblical authors's imagination. For example, in Deut 4:28 and 28:64 the breaking of the covenant leads to Israel attaching itself to other deities, who will mistreat it. This harsh treatment, in turn, is meant to drive Israel back to YHWH.

679 Noel Weeks, *Admonition and Curse: The Ancient Near Eastern Treaty/Covenant Form as a Problem in Inter-Cultural Relationships* (JSOTSup 407; Edinburgh: T&T Clark, 2004), 47.

680 Weeks, *Admonition and Curse*, 182. Kenneth A. Kitchen and Paul J.N. Lawrence, however, have strongly disputed this in their recent extensive treatment, *Treaty, Law and Covenant in the Ancient Near East* (3 vols.; Weisbaden: Harrassowitz, 2012).

681 "Treaty between Mursilis and Duppi-Tessub of Amurru," trans. by Albrecht Goetze (*ANET*, 203–205).

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continuation of their mutually beneficial relationship: Amurru is to pay tribute to Hatti (300 shekels of gold per anum, §8), and in return Hatti promises to offer military support and defense for Amurru. The text of the historical prologue, after first discussing the conditions under which a treaty between Hatti and Amurru was first established between the current rulers's fathers, speaks specifically of the relationship between Muršili and Duppi-Tessub with these words,

> §7 When your father died, in accordance with your father's word I did not drop you. Since your father had mentioned to me your name *with great praise*, I sought after you. To be sure, you were sick and ailing, but although you were ailing, I, the Sun, put you in the place of your father and took your brothers (and) sisters and the Amurru land in oath for you.
> §8 When I, the Sun, sought after you in accordance with your father's word and put you in your father's place, I took you in oath for the king of the Hatti land, the Hatti land, and for my sons and grandsons. So honor the oath (of loyalty) to the king and the king's *kin!* And I, the king, will be loyal toward you, Duppi-Tessub.

Several aspects are worth noting here. First, Muršili is clear regarding the steps that he took on Duppi-Tessub's behalf. When Du-Tessub (Duppi-Tessub's father) died, the kingdom of Amurru was in a precarious situation with potentially many individuals vying for the throne. In response to this situation, Muršili acted in accordance with Du-Tessub's wishes and ensured that his favoured son ascended to power. Crucially, this benevolent act was taken despite Duppi-Tessub's ill health. Muršili then describes taking the additional step of making Duppi-Tessub's siblings swear loyalty to him. Muršili further states that he intends to instruct his own descendants in the terms of the treaty to ensure that it is honoured in years to come.

Secondly, it is important to note that it is only after this account of Muršili's actions on Duppi-Tessub's behalf that he turns to the stipulations of the treaty. As Joshua Berman has pointed out, there is not a single instance in the extant literature of a vassal disputing the historical "facts" presented in the historical prologue.[682] If this is true, then it points up the fact that it is not the specific details of the historical prologue that are important to the treaty making process, but rather something else. According to Berman, it is essential to read the historical prologue as political posturing.[683] What is taking place in the treaty is akin to balancing the proverbial carrot and stick: there is reward for obedience and punishment for disobedience.[684] According to this reading strategy, the text above indicates the ways that Muršili is able to reward Duppi-Tessub in the future. He placed him on the throne, so he can most assuredly remove him from it. Only

682 Berman, *Inconsistency in the Torah*, 73.
683 Berman, *Inconsistency in the Torah*, 68–75.
684 Berman, *Inconsistency in the Torah*, 70.

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when the carrot and the stick are presented to the vassal can the specific stipulations become the subject of discussion between the two parties.

Finally, it is this presentation of the suzerain's benevolence towards the vassal that is designed to garner the desired response. According to Levenson, "one of the central purposes of the historical prologue [is] to encourage a feeling of gratitude in the vassal so as to establish firmly the claim of the suzerain upon him."[685] In other words, Muršili's depiction of his many benevolent actions on behalf of Duppi-Tessub is meant to persuade him that he is now obliged to respond favourably towards his suzerain – to do otherwise would be an act of extreme ingratitude, as well as self-destruction. To willingly subject himself out of gratitude to the terms of the treaty becomes the only proper response for Duppi-Tessub.

As Levenson and others have pointed out, there are many important parallels between the historical prologue as presented here in this Hittite treaty and in the biblical depiction of God's covenant making with Israel.[686] Both preface covenant stipulations with an account of the relationship as it currently stands between suzerain and vassal: 1) they both present the suzerain in the best possible terms (Muršili ensured that Duppi-Tessub ascended the throne, and YHWH led Israel out of slavery in Egypt), and 2) they both present the vassal as in some way dependent upon the suzerain (Muršili can guarantee that Duppi-Tessub keeps his place on his father's throne, and YHWH can ensure that Israel enters and enjoys the Promised Land). But there is also a major difference between these texts: Muršili's actions were specifically for Duppi-Tessub whereas YHWH's actions on behalf of a past generation of Israel are nonetheless used to motivate the loyalty of a later generation to a covenant to which they were not party. YHWH's actions towards Israel are depicted as renewed and transmitted to each generation in a way that is not present (or, perhaps, possible) with Muršili's acts towards Duppi-Tessub. This is the rhetoric of generational compression that I claimed to be present in Deuteronomy 4. Nonetheless, it remains possible that such a rhetoric does exist in other ANE treaties outside of the biblical canon. I now turn to another ANE treaty text to explore this possibility.

7.2.2. ANE Treaty Texts and Generational Compression

As has previously been discussed, the rhetoric of what I am calling "generational compression" is well-known within Deuteronomy, but if ANE treaties influenced the authors of Deuteronomy, as is often claimed, then it is worth exploring the

685 Levenson, *Sinai and Zion*, 27.
686 Levenson, *Sinai and Zion*, 27 and 36–42.

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possibility that this rhetoric finds parallels in Hittite or Neo-Assyrian texts.[687] Perhaps the best place to begin is with EST, for this text, arguably more than any other outside the biblical canon, claims to be an eternal covenant. This is important because of the means by which EST and Deuteronomy depict the act of generational transmission. The text of the treaty (Akk., *adê*) represents Esarhaddon's attempt in 672 BCE to determine his successor. Motivated perhaps by his own tumultuous rise to power after some of his brothers murdered their father Sennacherib in 681 BCE, Esarhaddon's succession treaties (the many identical copies were sent throughout his empire) are an attempt to effect a smooth transition to his son Ashurbanipal. The treaties worked. As Esarhaddon had wished, upon his death, his son Ashurbanipal ascended the throne of Assyria, and Ashurbanipal's brother Šamaš-šumu-ukin ruled over Babylon.[688] The text of the *adê* opens with these words:

> (This is) the treaty which Esarhaddon, king of the world, king of Assyria, son of Sennacherib, likewise king of the world, king of Assyria, with Ramataya, city-ruler of Urakazabanu, with his sons, grandsons, with all the people of Urakazabanu, (all the men under his command) young and old, from sunrise (east) to sunset (west), all those over whom Esarhaddon, king of Assyria, acts as king and lord; with you, your sons, your grandsons, all those who will live in the future after this treaty; – the treaty that he has made with you on behalf of the crown prince designate Ashurbanipal, the son of Esarhaddon, king of Assyria –).[689]

Regarding the issue of trans-generational rhetoric, Dominik Markl has recently made several important observations about this text.[690] First, it is important to keep in mind that the main purpose of the EST is dynastic: a generational transfer of power from father to son in perpetuity. This *adê* represents a perpetual claim to power for his son Ashurbanipal. Eventually Ashurbanipal will die, but Esarhaddon anticipates this dilemma and addresses it in EST not only by stipulating that Ashurbanipal should assume the Assyrian throne upon the death of his father, but also by establishing his dynastic rule. Indeed, EST stipulates that if Ashurbanipal has an unborn son or a son who is a minor when he dies, the vassals

687 Dominik Markl has recently addressed rhetorical similarities between the EST and Deuteronomy; idem, "The Rhetoric of Power in Esarhaddon's Succession Treaties and in Deuteronomy" (paper presented at Rencontre Assyriologique Internationale, Innsbruck, Germany, July 17 2018).

688 A similar treaty was issued by Assurbanipal's grandmother Zakutu, who called Assurbanipal her "favourite grandson." Simo Parpola and Kazuko Watanabe, eds., "Zakutu Treaty" in *Neo-Assyrian Treaties and Loyalty Oaths* (SAA 2; Helsinki: Helsinki, 1988): 62–64.

689 "The Vassal-Treaties of Esarhaddon," trans. by D.J. Wiseman (EST §1; *ANET*, 534). Originally published as D.J. Wiseman, "The Vassal-Treaties of Esarhaddon," *Iraq* 20 (1958): i–ii +1–99+53 plates, (quote from p. 30).

690 Dominik Markl, "The Rhetoric of Power."

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of the empire are to "subject [themselves] to the widow of Esarhaddon, king of Assyria, or the wife of the crown prince designate Ashurbanipal" (§22–23).[691]

Esarhaddon's Succession Treaties is thus an *adê* in perpetuity ensuring the ascendance of Esarhaddon's "son," a term which becomes a standard title for Ashurbanipal in the text. Markl notes that, "As a consequence [of Esarhaddon's son being party to the covenant], also the addressees' descendants are envisioned from the beginning and throughout the text."[692] Esarhaddon states that he is not making this *adê* with only those who are rulers within his kingdom, but with all who live under his rule, from the east to west. It is important to note the fact that not only is Esarhaddon's *adê* for all those who are living when it is issued, but also those in the present and the future, "you, your sons, your grandsons, all those who will live in the future after this treaty" (§1).

Moreover, just as the oath must be kept by the sons of the original recipients of the *adê*, its curses would have terrible consequences for them if they disregard its stipulations, so EST enjoins parents to teach the *adê* to their children (§25 and §34). Deuteronomy also contains this repeated instruction to teach Israel's children, and both texts provide the precise material for instruction (EST §25; and Deut 6:20–25).[693] According to Markl's observations, "The didactic conceptions are quite different, but in both cases, the speech includes the idea that obedience to the stipulations is essential for life; and both texts positively encourage acceptance of the respective stipulations."[694]

Such rhetoric of trans-generational obligation is also present in some – though not all – earlier extant treaties and oaths. Many earlier texts speak often of a treaty lasting "in perpetuity," but in some cases provide no mechanism for this perpetuation. Consider the treaty between Hatti and Egypt. The treaty is composed from the Egyptian perspective (under the rule of Ramses II) and is presented repeatedly as a treaty "forever." However, a crucial caveat exists:[695]

> Behold, Hattusilis, the Great Prince of Hatti, has set himself in a regulation with Usermaat-Re Setep-en-Re, the great ruler of Egypt, beginning from this day, to cause that good peace and brotherhood occur between us forever, while he is in brotherhood with

691 Deuteronomy does not call Israel to subject itself to Joshua (Moses's successor), but instead to the Torah that God has given to the nation through Moses. All future generations of Israel (including prophets, priests, and kings) must subject themselves to this Torah.

692 Markl, "The Rhetoric of Power."

693 For more on this connection, see Hans Ulrich Steymans, "Die neuassyrische Vertragsrhetorik."

694 Markl, "The Rhetoric of Power."

695 As in the case with the Hebrew לעלם, or the like, the Akkadian phrase *adi dārītu* (translated by Wilson as "forever") is perhaps better translated as "in perpetuity." See Gene M. Tucker, "Witness and 'Dates' in Israelite Contracts," *CBQ* 28 (1966): 42–45; and *CAD*, "dārītu," 3:114, which defines the term as "continuity, lastingness."

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> me and he is at peace with me, and I am in brotherhood with him and I am at peace with him forever.[696]

According to this agreement, the treaty exists only as long as both parties abide by its terms. There is no aspect of generational transition. The treaty is between two rulers and presumably ends when new rulers take their place. This is a common theme of these treaties.

A possible exception that proves the rule is the fact that the previously discussed treaty between Ḫattušili's great-grandfather Muršili II and Duppi-Tessub, ruler of Amurru, did provide a mechanism for trans-generational transmission by allowing a regnal successor to stand in for his father in the treaty agreement. Muršili includes within the treaty a reminder that when Duppi-Tessub's father died, he willingly accepted him as the successor to the previously established treaty agreement, although this may have been for the sole purpose of continuing to receive Amurru's annual tribute of 300 shekels of gold.[697]

Nevertheless, although this treaty shows that the more ancient Hittite treaties can continue in perpetuity, EST and Deuteronomy demonstrate a potential development in the understanding of treaty/covenant. Deuteronomy and EST possess complex mechanisms for transmission from one generation to the next, such as explicitly stating that the oath is for future generations that are liable to the same curses for disloyalty, or else providing specific instructions for parents to instruct their children in their responsibilities. Still, Deuteronomy does more in this regard even than EST, for although EST presents the treaty as incumbent upon future generations, Deuteronomy presents those future generations as parties to the covenant ceremony. Israel is not a nation whose leaders are the sole parties to a covenant with YHWH, but a nation which is itself party to a covenant with YHWH. This is accomplished by constructing an ever-renewed living covenant, rather than one that grows ancient, perhaps fossilised, as it is inherited by each successive generation. In other words, unlike EST, Deuteronomy places later generations at the covenant making ceremony and claims that *they* and *not* their parents were party to the covenant. Precisely what this might mean theologically will be discussed next.

696 "Treaty between the Hittites and the Egyptians," trans. by John A. Wilson (*ANET*, 199).
697 "Treaty between Mursilis and Duppi-Tessub of Amurru," (§6–8; *ANET*, 203–204).

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7.3. Generational Compression in Deuteronomy: What it Accomplishes

Above I discussed (all too briefly) some of the key ANE texts that exhibit similarities to Deuteronomy's historical prologue (Deuteronomy 1–3) and language related to the generational compression identified in Deuteronomy 4. These texts demonstrated interesting similarities and differences. In the case of the historical prologue, the Hittite/Amurru treaty between Muršili II and Duppi-Tessub contains an excellent example of the historical prologue with many parallel features to the historical prologue of Deuteronomy, but it is also importantly different in that the Hittite treaty focusses on the acts that Hatti had done specifically for Duppi-Tessub while Deuteronomy 4 makes God's past acts for a past Israel into God's present acts for present Israel. In the case of generational compression, it was noted that both EST and Deuteronomy possess a complex mechanism for transmission of the treaty from one generation to the next, and yet Deuteronomy distinctly presents those future generations as parties to the past covenant ceremony.

I believe these important differences confirm the theological direction which the exegesis of Deuteronomy 4 undertaken in the previous chapter already supports. Here, I will argue that it is the presence of generational compression within the context of a covenant ceremony that makes that rhetoric so effective and constructively points towards a theologically oriented understanding of covenant. In order to explore this claim I will examine further texts that enable further consideration of the nature and effect of the rhetoric of generational compression. But first, an important question must be asked.

7.3.1. Generational Compression: Inevitable Rhetoric?

Before proceeding, it may be helpful to note the important fact that the rhetoric of generational compression is by no means the inevitable – or only – mode of speaking about the events depicted in Deuteronomy 4. On the contrary, there exist at least three other modes of relating events that are unknown in personal memory to either the writer/speaker or his readers/hearers. In order to explore these modes of rhetoric, I turn to Psalm 78, because it utilises all three of these non-compression modes of speech.

Psalm 78 is a classic "historical psalm." From the perspective of the imagined author Asaph, this psalm primarily recounts the past failings of past generations of Israel for the edification and instruction of a present generations and, pre-

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sumably, all future generations as well.[698] The opening verses make this plain enough. The psalm opens with an address to the hearer/reader, האזינה עמי תורתי הטו אזנכם לאמרי־פי (verse 1). The psalmist then explicates in verses 2–8 the reason such an historical account is necessary: God set instruction in Israel (ותורה שם בישראל, verse 5) which must be passed down from generation to generation so that each generation would set its hope on God and not forget his works (וישימו באלהים כסלם ולא ישכחו מעללי־אל, verse 7a–b); would keep his commandments (ומצותיו ינצרו, verse 7c); and would not be like their ancestors who were stubborn, rebellious, and not faithful to God (ולא יהיו כאבותם דור סורר ומרה דור לא־הכין לבו ולא־נאמנה את־אל רוחו, verse 8).[699] In this sense, the psalm is a strong warning.[700]

With the opening of the psalm complete, the psalmist continues with an account of God's wonderful acts for Israel, as well as Israel's great sins. With the end of the introduction, so too ends all first-person language (employed only in verses 3–4 to describe the national history as an inherited knowledge and one that must be passed on to the next generation). For the remainder of the psalm, the life and experiences of Israel's ancestors are spoken of in a distanced manner through three non-compression modes of speech. The first is the use of the third person plural to speak of the Israel's past. The "we/us" language of verses 3–4 acts to objectify the national history: the past rebellions of Israel are a lesson which must be passed down lest future generations walk in their pattern (verse 8). Yet from verse 9 onward, the language of "they/them/their" dominates (cf. Nehemiah 9 and Jer 2:5). For example, "They did not keep God's covenant" (verse 10a), "In the sight of their fathers he worked marvels in the land of Egypt" (verse 12), and "They spoke against God" (verse 19a) are characteristic of the bulk of the psalm.

A second mode of retelling the past events of the nation employed in Psalm 78 is through reference to what happened to "Israel," a technique employed by the psalmist in verses 5, 21, 31, 55, and 59 (cf. Judg 19:30 and Psalm 136 throughout). For example, verse 5 states that God set up a law in Israel (ותורה שם בישראל), but the psalmist continues in verse 10 by accusing Israel of neither keeping God's covenant nor walking in his law (לא שמרו ברית אלהים ובתורתו מאנו ללכת). Psalm 136 – another so-called historical psalm – also employs this rhetoric. Thus, contrary to the common statement by God to various late generations of Israel that "I am the Lord your god who brought you out of Egypt" (and similar statements, e. g., 2 Kgs 17:36, Amos 2:10, Mic 7:15, Hag 2:5, and Ps 81:11 [Heb.]), the poet of Psalm 136 states that God brought Israel out of Egypt (verse 11), and brought Israel through the sea (verse 14). This rhetoric may serve the purpose

698 Mitchell Dahood, *Psalms II: 51–100* (AB 17; Garden City: Doubleday, 1968), 238.

699 Bernd Biberger, *Unsere Väter und wir: Unterteilung von Geschichtsdarstellungen in Generationen und das Verhältnis der Generationen im Alten Testament* (BBB 145; Berlin: Philo, 2003), 489.

700 Biberger, *Unsere Väter und wir*, 199.

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either of referencing events in the nation's history in a communal manner, or, as may be the case in Psalm 78, as a means of distancing the present generation from the national sins of the Exodus generation.

Finally, a third available rhetorical device is to speak of the "fathers" (cf. Ps 78:3, 5, 8, 12, and 57; as well as 2 Kgs 17:12–15; Neh 9:9, 10, 16, 32, 34, 36; and Jer 7:25; 11:4, 7–8; 31:32; 34:13). In this way, the poet of Psalm 78 says of the generation taken to exile that they turned away from God's testimonies and were faithless like "their fathers" (ועדותיו לא שמרו ויסגו ויבגדו כאבותם, verses 56b–57).[701] This example gives further support to the understanding of Psalm 78 as a poem that is intent on disengaging the present exiled generation from the sins of its ancestors. The poet does not state that the sinful generation that incurred God's wrath acted in accordance with *our fathers*, but in accordance with *their fathers*. In other words, the generation taken into exile followed in the steps of Israel's previous generations, but the audience of the Psalm must learn to be *un*like them, *un*like those generation of Israel that rebelled against the Lord.

If this characterisation is accurate, then the rhetoric of Psalm 78 is a means of using a previous generation in a manner that distances the present generation from the experiences of its forebears and encourages the audience to be unlike that previous sinful generation. This evidence points up the fact that the rhetoric of generational compression is not a foregone conclusion. The authors of the biblical text do not have a one-dimensional view of the nation's past: either that later generations have no new experiences of their own or that they do not share in the collective identity of Israel. Instead, the biblical authors simultaneously understand 1) that their ancestors's experiences are those ancestors's own experiences but nonetheless remain rhetorically useful for the didactic purpose of separating from those ancestors's sin, and 2) that they in some way share in the nation's past, that the nation's ancestors are not monoliths of the past with no bearing on present realities. This nuanced position is discernible, not only in the paraenesis of Deuteronomy 4, and not only in texts that portray the life of the wilderness generation (i. e., Deuteronomy and Joshua), but also beyond these texts in texts of various genres and even various time periods. I now turn to a sample of texts that will help develop a more complete picture of the rhetoric of generational compression.

701 For a study of Psalm 78 in its relation to Israel's exile, see Adele Berlin, "Psalms and the Literature of Exile: Psalms 137, 44, 69, and 78," in *The Book of Psalms: Composition and Reception* (VTSup 49; ed. by Peter W. Flint and Patrick D. Miller, Jr.; Leiden: E.J. Brill, 2005), 75–84.

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7.3.2. Further Exemplars of Generational Compression

If the foregoing discussion is correct that the rhetoric of generational compression is neither an inevitability nor the only means of communicating the nation's foundational history, then, in order to avoid the charge of special pleading, it will be necessary to look beyond Deuteronomy 4 to consider other instances in which later generations of Israel are compressed into the experiences of their ancestors. In the following discussion, I will address two such texts.

7.3.2.1. "Your Fathers and You:" The Whodunit of Joshua 24:5–7

In addition to Deuteronomy, another of the central covenant texts in the Hexateuch is that of Joshua 24.[702] First, this text reflects a well-preserved ANE treaty text which gives significant insight into the development of an important genre of ancient literature. This covenant text contains many of the most common elements of ANE treaties, including framing texts (verses 1–2a and 28), title (verse 2b), historical prologue (verses 2c–13), stipulations (verses 14–19, 21, and 23–25), curses (verse 20a), blessings (verse 20b), witnesses (verses 22 and 27), and command to deposit the text somewhere for safe keeping (verse 26).[703]

Secondly, this covenant text is significant because of the close parallels that exist between the literary and conceptual worlds of Joshua 24 and the book of

702 Recently, the journal *Hebrew Bible and Ancient Israel* dedicated the entire Volume 6 (2017)/ Issue 2 to essays on Joshua 24. Although some may claim that rhetorical similarities between Joshua 24 and Deuteronomy are a consequence of their place within the Dtr^G vis-à-vis a shared author/editor, this is not inevitable, as the articles of Schmid, Krause, and Edenburg in the same journal show. Konrad Schmid, "Jews and Samaritans in Joshua 24," *HeBAI* 6 (2017): 148–160; Cynthia Edenburg, "Joshua 24: A Diaspora-oriented Overriding of the Joshua Scroll," *HeBAI* 6 (2017): 161–180; and Joachim J. Krause, "Hexateuchal Redaction in Joshua," *HeBAI* 6 (2017): 181–202. While Schmid argues that Joshua 24 is post-Priestly (which he dates to around 515 BCE), Krause and Edenburg argue that Joshua 24 is not only post-exilic, but also post-Pentateuchal. Further, Krause contends that there are no other texts in the book of Joshua that belong to the literary level of Joshua 24. For a further survey of recent literary-critical perspectives on Joshua 24, see Ville Mäkipelto, *Uncovering Ancient Editing: Documented Evidence of Changes in Joshua 24 and Related Texts* (BZAW 513; Berlin: DeGruyter, 2018), 220–225. Although these concerns are not my own, they demonstrate that sufficient differences are observed between Joshua 24 and Deuteronomy to make the presence of generational compression in both texts an interesting opportunity for comparison.

703 Kitchen and Lawrence, *Treaty, Law and Covenant*, I:899–906, and II:263. While recognising that there are many meaningful differences between the MT and LXX of Joshua 24, the following discussion is based on the MT as the generational compression that takes place in MT of vv. 2–7 is also preserved in the LXX. For a detailed comparison of the texts, see Moshe Anbar, *Josué et l'alliance de Sichem: Josué 24:1–28* (BBET 25; Frankfurt am Main: Peter Lang, 1992), 23–46.

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Deuteronomy.[704] Moreover, both texts represent a time of transition, represented first by the impending death of the prophetic leader of Israel. As discussed in 5.3.1., the impending death of Moses – or at least his exclusion from the land – is a central concern within Deuteronomy. Likewise the matter of Joshua's age, first introduced in Josh 13:1 (ויהושע זקן בא בימים ויאמר יהוה אליו אתה זקנתה באת בימים) and confirmed in 23:1c (ויהושע זקן בא בימים), is presented as a crucial issue to the reading and understanding of the covenant at the book's conclusion.[705] Furthermore, Joshua 24 also represents a time of cultural development as a result of the transition between the generations of Israel, between those born in the wilderness and those born within the land.[706] As discussed above (5.2.), the transition from the Exodus generation to the second generation is a key interpretive element in my reading of Deuteronomy. In Joshua, the transition from one generation to another closely follows the life and death of Joshua. As Joshua dies, so too will the generation who knew Joshua and his predecessor Moses (Josh 24:31 and Judg 2:7). Just as Moses's audience on the plains of Moab are those who either did not see or cannot remember the mighty acts of God in the exodus, so too does Joshua's audience contain those who either did not see or will not remember the mighty acts of God in the conquest of the land (Josh 24:1–2).

Thirdly, there are similarities between the expressed pedagogical concerns of the imagined speakers of Deuteronomy and Joshua 24.[707] As discussed above (5.3.2.), Moses is concerned with the life (both physical and religious) of Israel. If Israel desires to possess (physically live in) the land of Canaan, and if Israel desires to be wise and discerning (live a life worth living) in the eyes of its neighbours, then Israel must choose to live out a responsive obedience to God's commands given through his servant Moses. Likewise, the concern of Joshua 24 is clear: Joshua desires to compel Israel to choose to live in faithful responsiveness

704 Among others, see William T. Koopmans, *Joshua 24 as Poetic Narrative* (JSOTSup 93; Sheffield: JSOT Press, 1990), 348–358; Christophe Nihan, "The Torah between Samaria and Judah: Shechem and Gerizim in Deuteronomy and Joshua" in *The Pentateuch as Torah: New Models for Understanding Its Promulgation and Acceptance* (ed. by Gary N. Knoppers and Bernard M. Levinson; Winona Lake: Eisenbrauns, 2007): 187–223; and J.G. McConville, *Deuteronomy* (ApOTC 5; Leicester: Apollos, 2002), 397.

705 Koopmans, *Joshua 24*," 423–428.

706 That Joshua 24 speaks to the needs of a people in transition is clear. See C. Brekelmans, "Joshua XXIV: Its Place and Function" in *Congress Volume: Leuven 1989* (ed. by J.A. Emerton; Leiden: E.J. Brill, 1991): 1–9; John Van Seeters, "Joshua 24 and the Problem of Tradition in the Old Testament" in *In the Shelter Elyon: Essays on Ancient Palestinian Life and Literature in Honor of G.W. Ahlström* (JSOTSup 31; ed. by W. Boyd Barrick and John R. Spencer; Sheffield: JSOT Press, 1984), 152–155.

707 L. Daniel Hawk, *Joshua* (BerOl; Collegeville: Liturgical, 2000), 272. Van Seeters states that the text "is modeled directly upon Dtr paraenesis." Idem, "Joshua 24," 147.

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to YHWH.[708] Joshua 24 begins with Joshua summoning all of Israel לפני האלהים and continues to address Israel with a quoted speech of YHWH. The quoted speech (verses 2b–13) comprises the historical prologue.[709] The turn to the stipulations occurs in verse 14, with a return to the direct speech of Joshua, who begins his call to Israel to respond in obedience (ועתה יראו את־יהוה ועבדו אתו בתמים ובאמת) with the familiar ועתה (identically used in Deut 4:1 and 10:12). This call to singular devotion to YHWH is followed in turn by the collective cry of the people in verse 24, את־יהוה אלהינו נעבד ובקולו נשמע (see also the responses of the first generation in Exod 19:8 and 24:7, as well as an earlier response of the wilderness generation in Deut 29:28 [Heb.]).[710]

But the similarities do not end here. Perhaps the most interesting feature of the Joshua 24 covenant is the striking conflation of generations in verses 5–7.[711] To illustrate this well-known rhetorical feature, let us look at the text, highlighting the third-person references to the exodus generation and the second-person references to the generation standing before Joshua:

ואשלח את־משה ואת־אהרן ואגף את־מצרים כאשר עשיתי בקרבו ואחר הוצאתי אתכם: ואוציא את־אבותיכם ממצרים ותבאו הימה וירדפו מצרים אחרי אבותיכם ברכב ובפרשים ים־סוף: ויצעקו אל־יהוה וישם מאפל ביניכם ובין המצרים ויבא עליו את־הים ויכסהו ותראינה עיניכם את אשר־עשיתי במצרים ותשבו במדבר ימים רבים:

And I sent Moses and Aaron, and I plagued Egypt with what I did in the midst of it, and afterward I brought you out. Then I brought your fathers out of Egypt, and you came to the sea. And the Egyptians pursued your fathers with chariots and horsemen to the Red Sea. And when they cried to the Lord, he put darkness between you and the Egyptians and made the sea come upon them and cover them; and your eyes saw what I did in Egypt. And you lived in the wilderness a long time. (ESV)

Regardless of how this rhetoric became incorporated into this text – and the discussion on this point is vast[712] – it should be clear from the discussion of

708 Brekelmans, "Joshua XXIV," 6–7; Biberger, *Unsere Väter und wir*, 173; and Koopmans, *Joshua 24*," 428–432.

709 Kitchen and Lawrence, *Treaty, Law and Covenant*, I:900–903

710 Dominik Markl, *Gottes Volk im Deuteronomium* (BZAR 18; Wiesbaden: Harrassowitz, 2012), 104–107.

711 Further tensions within this text are identified by Nihan, "The Torah between Samaria and Judah, 194–199.

712 Literary-critical discussions of this process can be found in Martin Noth, *Josua* (HAT 1/7; Tübingen: Mohr Siebeck, 1938), 105–108; Nihan, "The Torah between Samaria and Judah," 194–199; C.H. Gibling, "Structural Patterns in Jos. 24, 1–25," *CBQ* 26 (1964): 50–69; Van Seeters, "Joshua 24." For a survey and analysis of the history of interpretation of Josh 24:1–28 up to 1990, see Koopmans, *Joshua 24*," 1–163. The basis for this literary-critical work is based generally on the assumption that "one recension assumes that there was great interest in the believer's regarding the past events as contemporary with him, while another is more concerned with the actual course taken by events." J. Alberto Soggin, *Joshua: A Commentary* (OTL; London: SCM, 1972), 234.

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Deuteronomy 4 that this deliberate blurring of generational boundaries is not without parallel.[713] Indeed, one of the objectives here is to show that the rhetoric of generational compression is not isolated to Deuteronomy 4 (or to Deuteronomy for that matter), but is widespread in the literature of Old Testament.

A further example is that of Hos 12:5 (Heb.) which reads, וישר אל־מלאך ויכל בכה ויתחנן־לו בית־אל ימצאנו ושם ידבר עמנו ("He strove with the angel and prevailed, he wept and sought his favour, he met with him at Bethel, and there he spoke with us," AT).[714] Here too, the author blurs the lines between Jacob, patriarch of the nation, and Jacob, the nation itself. As the prophet declares in verse 3 (וריב ליהוה עם־יהודה ולפקד על־יעקב כדרכיו כמעלליו ישיב לו), God has a dispute with the nation (here called Judah and Jacob) and will execute judgment according to the nation's deeds. Hosea recounts the acts of Jacob the patriarch as an illustration of the nation's deeds which are so objectionable: he supplanted his brother and strove with God (verse 3), he strove with an angel of God and prevailed (verse 4). Jacob's striving with God becomes a picture of the nation's striving with God.[715] In other words, "the prophet is clearly concerned not to rehearse the Jacob saga for its own sake but to use it in his assessment of the nation's present predicament."[716] Moreover, God's self-revelation to Jacob at Bethel is also read as a point of national communion with God. Thus, Israel can respond to this revelation by returning to God and living in responsive faithfulness (verse 7).[717]

Returning to Josh 24:5–7, the clear compression of generations points up the fact that the blurring of such boundaries lies within the intention of the authors and editors.[718] This is an authorial intention that has a direct bearing on the life and practice of present and future members of the communities of faith for whom this text is authoritative. For if the above analysis is correct (7.2.1. and

713 Also Psalm 66:6, הפך ים ליבשה בנהר יעברו ברגל שם נשמחה־בו.

714 The LXX reads, *καὶ ἐνίσχυσεν μετὰ ἀγγέλου καὶ ἠδυνάσθη ἔκλαυσαν καὶ ἐδεήθησάν* [μου] *ἐν τῷ οἴκῳ Ων εὕροσάν* [με] *καὶ ἐκεῖ ἐλαλήθη πρὸς* [αὐτόν]. Interestingly, despite the vast number of variations (in brackets) from the MT, most English translations only follow the final word of the LXX verse. For example, the NRSV reads, "He strove with the angel and prevailed, he wept and sought his favor; he met him at Bethel, and there he spoke with him." However, doing so does not reflect any likely Hebrew *Vorlage*, according to Anthony Gelston, *The Twelve Minor Prophets* (BHQ 13; Stuttgart: Deutsche Bibelgesellschaft, 2010), 69*. See also the conclusion of A. A. Macintosh, *Hosea* (ICC; Edinburgh: T&T Clark, 1997), 485. Furthermore, such translations mute the presence of and theological implications that result from the rhetoric of communal identity and generational compression.

715 The shared vocabulary with Genesis is telling; see J. Andrew Dearman, *The Book of Hosea* (NICOT; Grand Rapids: Eerdmans, 2010), 302–306.

716 Macintosh, *Hosea*, 487.

717 Significantly, Ehud Ben Zvi argues that the primary referent of Hos 12:1–15 is not the patriarch Jacob, but the experiences of rebellion and divine grace of the Exodus generation. See his *Hosea* (FOTL 21 A/1; Grand Rapids: Eerdmans, 2005), 258–265.

718 Robert G. Boling, *Joshua* (OTL 6; Garden City: Doubleday, 1982), 535.

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7.2.2.) that a distinctive – though not unique – rhetoric exists within Deuteronomy 4, wherein the generational compression occurs within an historical retrospect, then one can affirm with Levenson that "A major function of the historical prologue is to narrow the gap between generations, to mold all Israel, of whatever era, into one personality that can give an assent to the divine initiative."[719] Without offering an overly broad assessment of all covenant texts within the Old Testament, Levenson's claim certainly stands in the case of Joshua 24 and Deuteronomy 4. Moreover, he points towards a way forward with his observation that through this rhetoric, "History is telescoped into collective biography. What your ancestors saw is what *you* saw. God's rescue of them implicates *you*, obliges *you*, for *you*, by hearing this story and responding affirmatively, become Israel, and it was Israel whom he rescued."[720]

It is perhaps because of this understanding of the communal nature of history that later communities (like that at Qumran) utilise similar generational blurring to that seen above in Joshua 24:5–7. For example, 4Q377 states,

> Cursed is the man who will not arise and keep and d[o] all the com[mandments of Y]HWH through the mouth of Moses, his anointed one, and to follow YHWH, the God of our fathers, who is […] to *us* from Mount Sin[ai.] *vac* And he spoke *wi[th] the assembly of Israel* face to face as a man speaks with his friend and wh[e]n he showed *us* his greatness in a burning fire from above, [from] heaven. *vac* […] And on the earth he stood, on the mountain, to make known that there is no god beside him and there is no rock like him. [And the entire] *assembly* {the congrega[tion}] answered. And a trembling seized them before the glory of God and because of the wondrous sounds, […] and *they* stood at a distance.[721]

This blurring is all the more remarkable considering the many differences between 4Q377 and the deuteronomic account of Horeb.[722] Still, the rhetoric of Deuteronomy and Joshua allows – even encourages – this tradition of reading future generations into the revelation at Horeb in this manner. This alters the nature and purpose of historiography significantly. Records of "what happened" in the past must be read primarily as exhortation, an issue which will be addressed further below.[723]

719 Levenson, *Sinai and Zion*, 38.

720 Ibid., (emphasis original). See also Thomas Römer, *Israels Väter: Untersuchungen zur Väterthematik im Deuteronomium und in der deuteronomistischen Tradition* (OBO 99; Freiburg: Universitätsverlag and Göttingen: Vandenhoeck & Ruprecht, 1990), 322.

721 Lines 4b–10a in fragment 2ii (italics added for emphasis). See esp., Ariel Feldman, "The Sinai Revelation according to 4Q377 (*Apocryphal Pentateuch B*)," *DSD* 18 (2011): 155–172.

722 "Thus while Deut 4:36 says that God showed his fire on the earth, the scroll claims that the burning fire was seen from above. Also, unlike Deut 4:36, where God's voice is heard from heaven, 4Q377 reports that God spoke to the people standing on the mountain." Feldman, "The Sinai Revelation," 163.

723 Berman, *Inconsistency in the Torah*, 26–28.

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7.3.2.2. Claiming the Past, but Keeping it Separate: The Case of Psalm 106

Yet another example of what could be described as generational compression is found in Psalm 106, one of the best known of the so-called historical psalms. Although there are good reasons to read Psalms 105 and 106 together, the focus here is solely on the latter.[724] The psalm opens with the imperative הללויה, a feature that points towards liturgical usage and the intention of inciting praise from hearers and readers alike.[725] Of course, given the content of the psalm, verse 1 "sits somewhat oddly within the [lamenting] mood of the rest of the psalm."[726] This disjointed feel is also experienced by readers of the MT for whom verse 48 (simultaneously the conclusion of Book IV of the Psalter) is the closing verse.[727] The result is that the opening and closing verses repeat the term עולם (in the case of verse 1, it is YHWH's חסד that is לעולם, and in verse 48 the hearer/reader is commanded to bless (ברוך) YHWH, the God of Israel, מן־העולם ועד העולם), which together bookend the psalm in words of praise despite the sombre content of the psalm's core, which tells of the repeated rebellion of Israel throughout its history.[728]

Within the core, the poet skips over the Exodus from Egypt and instead begins with Israel's fear at the Red Sea and continues through the wilderness years and concludes his account of events with the sinful idolatry that led to exile. Perhaps the best way to summarise the content of the psalm's historical core is with the words of the psalm itself in verse 43:

פעמים רבות יצילם והמה ימרו בעצתם וימכו בעונם׃

> Many times he delivered them, but they were rebellious in their purposes, and were brought low through their iniquity.

724 Walter Zimmerli, "Zwillingpsalmen," in *Wort, Lied, und Gottesspruch: Beträge zu Psalmen und Propheten: Festschrift für Joseph Ziegler* (FB 2; ed. by J. Schreiner; Würzburg: Echter, 1972): 105–113; John E. Anderson, "Remembering the Ancestors: Psalms 105 and 106 as Conclusion to Book IV of the Psalter," *PRSt* 44 (2017): 185–196.

725 Leslie C. Allen *Psalms 101–150*, (WBC 21; ed. by Bruce M. Metzger; Nashville: Thomas Nelson, 2002), 66; Frank-Lothar Hossfeld and Erich Zenger, *Psalms 3* (Hermeneia; Minneapolis: Fortress, 2011), 85.

726 Sue Gillingham, "Psalms 105 and 106 and the Participation in History through Liturgy," *HBAI* 4 (2015), 464.

727 "At the end of the fourth book of psalms we thereby receive a complex picture of Israel's history […]." Judith Gärtner, "The Torah in Psalm 106: Interpretations of JHWH's Saving Act at the Red Sea," in *The Composition of the Book of Psalms* (BETL 238; ed. by Erich Zenger; Leuven: Peeters, 2010), 487.

728 Mitchell Dahood, *Psalms III: 101–150* (AB 17 A; Garden City: Doubleday, 1970), 67, 77. This disjunction is compounded by the fact that Psalm 105 and 106 tell "two sides of the same story;" Robert E. Wallace, *The Narrative Effect of Book IV of the Hebrew Psalter* (StBibLit 112; New York: Peter Lang, 2007), 80. Psalm 105 speaks of God's faithfulness in remembering his promises to the patriarchs, while Psalm 106 speaks of Israel's forgetfulness. Zimmerli, "Zwillingpsalmen," 109–111.

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In turn, the reasons for offering praise and blessing to YHWH are given in verses 44–45:

וירא בצר להם בשמעו את־רנתם: ויזכר להם בריתו וינחם כרב חסדיו:[729]

> Nevertheless he regarded their distress when he heard their cry. For their sake he remembered his covenant, and showed compassion according to the abundance of his steadfast love.

When the reader considers Israel in these verses, it is noteworthy that the nation is always referred to by the third-person, "they, them, their." Indeed, within the historical core of Psalm 106, the closest that the past generations of Israel are rhetorically allowed to be situated alongside the psalmist and his own generation is in verse 7 where the Exodus generation is called אבותינו. Otherwise, the object of focus in verses 7–46 is past generations, kept at arm's length through the rhetorical distancing of third-person pronouns: they did not remember God's חסד (verse 7), they forgot God's works (verse 13), they made a calf at Horeb (verse 19), they grumbled in their tents (verse 25), they became unclean through idolatry (verse 39), etc.

Yet, in addition to the inclusio established by the vocabulary of verses 1 and 48, Psalm 106 contains another important inclusio in verses 4–6 and 47. This inclusio, rather than being based on repeated vocabulary, is the result of the use of the first-person within the context of a plea for deliverance, so that the nation may respond in praise to YHWH.[730] Most importantly, although verses 7–46 contain a scathing account of a past Israel's sins, verse 6 prefaces this account with the admission that חטאנו עם־אבותינו העוינו הרשענו. Furthermore, after the poet speaks in verses 40–46 of the exile using the third-person, he then cries out to God in verse 47 with a plea to "save us" (הושיענו).[731]

The result of this first-person frame surrounding a third-person historical core is to blur generational boundaries in favour of national identity. The rhetorical effect of such a blurring is all-the-more important given the possible liturgical use to which Psalm 106 was put.[732] Participation in the nation's history is inescapable. No single generation is to be blamed for the current state of the nation in exile.[733] Instead, the nation is collectively guilty of iniquity, collectively a nation in exile, and will – the poet hopes – collectively be redeemed from exile, as

729 This text follows the qere (חֲסָדָיו) rather than the ketib (חסדו).

730 Gili Kugler, "The Dual Role of Historiography in Psalm 106: Justifying the Present Distress and Demonstrating the Individual's Potential Contribution," *ZAW* 126 (2014), 551; and Hossfeld and Zenger, *Psalms 3*, 88.

731 It is commonly held that vv. 46–47 reference the exile; Hossfeld and Zenger, *Psalms 3*, 93; and Dahood, *Psalms III*, 76.

732 Gillingham, "Psalms 105 and 106."

733 Hossfeld and Zenger, *Psalms 3*, 88.

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well as collectively praise God מן־העולם ועד העולם.[734] Moreover, just as the nation is corporately responsible for its current situation in exile, the nation is likewise corporately responsible for participating in praying for the redemption of YHWH.[735]

7.3.3. Cultural Memory: Socio-Religious Identification not Direct, Personal Memory – The Case of Blurred Lines in Deuteronomy 5:3

The discussion so far has been supported by – and supportive of – a growing awareness of the cultural nature of Israelite memory and identity. According to modern historiography, however, one's experiences are one's own: the collective nature of memory has been eclipsed by a staunch individualism. Yet such ideas are at odds with notions of collective identity presented in texts such as the *Haggadah* or, as I have argued, Deuteronomy 4. In order to develop the theological implications of prior exegetical observations, I wish to turn to a well-known deuteronomic text and offer what I hope will be a fresh reading, a reading renewed by insights gained by the previous treatment of Deuteronomy 4.

Deuteronomy 5 opens in a manner that is reminiscent of chapter 4, a call to hear and obey the החקים and the משפטים. But verses 2–3 offer an important insight into the nature of the Horeb covenant and its significance for the wilderness generation. Deuteronomy 5:1–3 read as follows:

> ויקרא משה אל־כל־ישראל ויאמר אלהם שמע ישראל את־החקים ואת־המשפטים אשר אנכי דבר באזניכם היום ולמדתם אתם ושמרתם לעשתם: יהוה אלהינו כרת עמנו ברית בחרב: לא את־אבתינו כרת יהוה את־הברית הזאת כי אתנו אנחנו אלה פה היום כלנו חיים:
>
> Moses called all of Israel, and said to them: Hear, O Israel, the statutes and ordinances that I am speaking in your ears today; you shall learn them and be careful to do them. The Lord our God made a covenant with us at Horeb. It was not with our fathers that the Lord made this covenant, but with us, we ourselves, who are all of us here alive today. (AT)

One of the first features to note is that Deuteronomy 4 and 5 are in agreement that the content of the Horeb/Sinai covenant is the 10 words.[736] Not only is 4:13 clear

734 Although this psalm lacks a narratival setting of ritual ceremony, the collective confession of sin present in Psalm 106 has much in common with Nehemiah 9. In that text, after a long, third-person account of the sins of previous generations of Israel (which likewise is prefaced by a call to ברכו את־יהוה אלהיכם מן־העולם עד־העולם, v. 5b), Nehemiah turns to a first-person plea for deliverance (v. 32).

735 Kugler, "The Dual Role," 551. For a helpful discussion of the theology of corporate responsibility for sin, see Joel S. Kaminsky, *Corporate Responsibility in the Hebrew Bible* (JSOTSup 196; Sheffield: Sheffield, 1995).

736 Jeffrey Tigay, *Deuteronomy (Devarim)* (Philadelphia: JPS, 1996), 274.

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on this (ויגד לכם את־בריתו אשר צוה אתכם לעשות עשרת הדברים), but 5:2–19 confirms this understanding. Verse 1, then, hints at the possibility that Deuteronomy represents a new covenant (see also Deut 28:69 [Heb.]).[737] But for various reasons, scholars have generally not viewed Deuteronomy as a new covenant *in toto* but rather as a covenant renewal for the second generation of the original covenant made at Sinai.[738] Within this framework, reading Deuteronomy as a text for covenant renewal receives further support by the text of Deut 5:1–3.

In order to make this point, let us consider the perplexing, but essential, verse 3. Again the text reads, לא את־אבתינו כרת יהוה את־הברית הזאת כי אתנו אנחנו אלה פה היום כלנו חיים. As stated in 5.3.2.1. (f.n. 408), I believe the best approach to identifying the אבת in Deuteronomy is to treat each case on its own terms, as opposed to reading all occurrences either as references only to the patriarchs or only to the Exodus generation.[739] Taking that approach here, the evidence supports reading אבת in verse 3 as the Exodus generation. So clear is this reading for Arnold that he writes,

> 'our fathers' in Deut 5:3 clearly denotes the first desert generation, which left Egypt and entered covenant with YHWH at Mount Horeb, in distinction to the second desert generation now standing before Moses, who were receiving the Torah on the plains of Moab.[740]

Although the LXX presents a possible tradition against this reading[741] – and some modern interpreters have followed this interpretive direction[742] – there none-

737 Tigay, *Deuteronomy*, 274; Patrick D. Miller, *Deuteronomy* (Interpretation; Louisville: John Knox Press, 1990), 200–202; and Jack R. Lundbom, *Deuteronomy: A Commentary* (Grand Rapids: Eerdmans, 2013), 799.

738 This will be discussed further below in 7.4.2., but scholars who read Deuteronomy as a covenant renewal include Gerhard von Rad, *Deuteronomy* (OTL; trans. by Dorothea Barton; London: SCM, 1966); Eckart Otto, *Deuteronomium* (4 vols.; HThKAT; Freiburg: Herder, 2017), 2,057; and Ernest W. Nicholson, *God and His People: Covenant and Theology in Old Testament* (Oxford: Oxford, 1986), 114.

739 See also Bill T. Arnold, "Reexamining the 'Fathers' in Deuteronomy's Framework" in *Torah and Tradition: Papers Read at the Sixteenth Joint Meeting of the Society for Old Testament Study and the Oudtestamentisch Werkgezelschap, Edinburgh 2015* (OTS 70; ed. by Klaas Spronk and Hans Barstad; Leiden: E.J. Brill, 2017): 10–41 (esp., 17–18), who argues this point.

740 Arnold, "Reexamining the 'Fathers' in Deuteronomy's Framework," 18.

741 LXX of 5:3 reads: *οὐχὶ τοῖς πατράσιν ὑμῶν διέθετο κύριος τὴν διαθήκην ταύτην, ἀλλ᾽ ἢ πρὸς ὑμᾶς, ὑμεῖς ὧδε πάντες ζῶντες σήμερον*'. The first occurrence in Deut of *πατράσιν ὑμῶν* is at 1:8, where it is specified as *πατράσιν ὑμῶν τῷ* Αβρααμ *καὶ* Ισαακ *καὶ* Ιακωβ. Furthermore, of the six total occurrences of Αβρααμ *καὶ* Ισαακ *καὶ* Ιακωβ in LXX Deut, a further three modify the singular *πατράσιν σου*. This may indicate that the translators of LXX Deut favoured reading dt. references to the אבת as references to the patriarchs.

742 Most notably is Tigay, *Deuteronomy*, 61, who maintains that "In Deuteronomy, 'our/your fathers' always refers to the patriarchs." This claim, however, seems to me to be too con-

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theless exists a strong rabbinic tradition in favour of it. Rashi, for example, writes that the covenant was not made "with our fathers alone" (לא את אבתינו: בלבד).[743] Likewise, Abarbanel writes that "It was known to him (God) that they would not enter the land and would not fulfil the commandments, so he established the covenant for the next generations and therefore it says, 'with us here today.'" Many modern interpreters are in agreement with reading the 'our fathers' of verse 3 as the Exodus generation. Ehrlich argues that this verse must refer to an address to the Exodus generation, since "Die hier ausgesprochene Behauptung setzt voraus, dass Moses die Generationen anredet, welche die Offenbarung am Horeb erlebt hatten, nicht die ihr folgende Generation."[744]

Because of the dynamics of generational compression, it matters very little to the overall argument whether אבתינו refers to the patriarchs or to the Exodus generation. Nevertheless, in light of 5:2, in which Moses says that YHWH made a covenant עמנו, as well as Moses's strong language in 5:3 regarding who the "us" is, it makes good sense to read these "fathers" as the exodus generation. The implication of such a reading is that the covenant is not backwards looking; instead, each generation must experience the Horeb events anew if they were not present to experience that event directly. The physical presence at Horeb of any given generation is a moot point. Each generation is expected to enter into the covenant agreement with YHWH: they must act as though it was they and *not* a previous generation who were there.

Similarly, though with language that is importantly variant from Deut 5:3, Moses states in Deut 29:13 that ולא אתכם לבדכם אנכי כרת את־הברית הזאת. This "not with *you* only" parallels Rashi's understanding of Deut 5:3, "not with our fathers only." Yet Deut 29:14 continues, כי את־אשר ישנו פה עמנו עמד היום לפני יהוה אלהינו ואת אשר איננו פה עמנו היום. Thus both Deut 5:3 and 29:13–14 look forward, while using different language. The nation's ancestors are never out of view, but what matters for each generation is how *they* will respond.

Regarding the relationship between covenant and responsive obedience, one of the remarkable aspects of Jewish cultural memory is the important ritual connection between receiving the covenant in Deuteronomy 5 and responding in obedience to that covenant in Deuteronomy 6. This can be seen, for example in

fident. See also S.R. Driver, *Deuteronomy* (3d. ed.; ICC; Edinburgh: T&T Clark, 1902); 83, though he offers no support.

743 Rashi: לא את אבתינו: בלבד כרת ה' וגו' כי אתנו
In other words, Rashi is not reading אבתינו as the Patriarchs, but as the Exodus generation. See also Ibn Ezra on this verse.

744 Arnold B. Ehrlich, *Randglossen zur Hebräischen Bibel: Textkritisches, Sprachliches und Sachliches* (Leipzig: J.C. Hinrichs, 1909), II:267. See also Eckart Otto, *Deuteronomium* (4 vols.; HThKAT; Freiburg: Herder, 2012), 680. Moshe Weinfeld, *Deuteronomy 1–11* (AB 5; New York: Doubleday, 1991), 239); Richard D. Nelson, *Deuteronomy: A Commentary* (OTL; Louisville: Westminster John Knox, 2002), 79.

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the phylacteries found at Qumran that connect both of these chapters together through biblical citation.[745] Evidently, a strong conceptual link was seen between the law of God and a response to God as seen in the *Shma*. It is not unimportant, therefore, that Deut 5:1–3 begins with the claim that the covenant was made with the present generation. The implication is that each generation must read the covenant as a present reality, not a relic of the past. This connection between covenant and obedience can be seen also in the phrase שמע ישראל, which appears in both texts (5:1 and 6:4). Additionally, the nouns חקים and משפטים occur in 4:1, 5:1, and 6:1, and the usage of the verb שמע in the context of these nouns creates further resonances (4:1, 5:1, and 6:1–3). These conceptual links help to bolster a link between the giving of the law (seen in Deuteronomy 4–5) and the expected response to God's giving of the law (Deuteronomy 6).

This all points up the fact that the nature of covenant in Deuteronomy is based on the blurring of generational boundaries. The repeated rhetoric of compressing generations into one another demonstrates one way of blurring these boundaries. At the same time, this rhetoric opens up a way of covenant making and covenant keeping that outstrips the realm of direct, personal experience. Deuteronomy's call to covenant obedience is issued on the basis of transmitted memories of past events that remain foundational to the covenant. These memories must be transmitted in order for the covenant to remain viable. As Ellman has put it, "By establishing a shared, collective memory in the form of the official history as the primary ingredient of liturgy and as something that Israel is required *covenantally* to learn and inculcate, the deuteronomic program offered a way to ease and sustain the incorporation of communities into the religious polity that was Judah."[746] One might wish to add, however, that this process continues to the present as well. Each generation's obligation to respond in obedience is an obligation to respond to what YHWH has done for that generation.[747] But are there deuteronomic exceptions to this understanding of covenant and the rhetoric of generational compression?

745 For example see:
4QPhyl[a] (*DJD* VI:48–51, pl. VII–VIII) – Deut 5:1–14; 5:27–6:3; 10:12–17; 11:18–21; Ex 12:43–13:7.
4QPhyl[b] (*DJD* VI:51–53, pl IX) – Deut 5:1–6:5; Exod 13:9–16.
4QPhyl[h] (*DJD* VI:60–62, pl. XVI) – Deut 5:22–6:5; Exod 13:14–16.
4QPhyl[j] (*DJD* VI:64–67, pl. XVIII–XIX) – Deut 5:1–32; 6:2–3.
4QPHyl[o] (*DJD* VI:74–75, pl. XXII) – Deut 5:1–16; Deut 6:7–9.

746 Barat Ellman, *Memory and Covenant: The Role of Israel's and God's Memory in Sustaining the Deuteronomic and Priestly Covenants* (Minneapolis: Fortress, 2013), 11 (emphasis original).

747 Ellman, *Memory and Covenant*, 76. Also Brevard S. Childs, *Memory and Tradition in Israel* (SBT 37; London: SCM, 1962), 74–75.

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7.4. Possible Deuteronomic Exceptions

At this point, it is necessary to address possible deuteronomic exceptions to this rhetoric of generational compression. Although it need not be, is generational compression consistent throughout Deuteronomy? If so, is this only the result of its literary presentation as a speech of Moses? These are significant questions. I turn to them now and will attempt to shed light on the issue through an investigation of two possible exceptions to the rhetoric of generational compression.

7.4.1. Your Sons Did Not See (Deuteronomy 11:1–9)

It is a truism that if the generation born in the wilderness, standing on the plains of Moab, and listening to Moses's address, did not have the formative experiences of Exodus and covenant making that their parents had, then the children of that wilderness generation certainly did not have those experiences. This is precisely the point of Deut 11:1–8. The third generation (i. e., the children of the wilderness generation) do *not* have any of the formative experiences of their grandparents. But does this contradict my claim of a deuteronomic rhetoric of generational compression? If Deuteronomy 4 exhibits the rhetoric I claim, then might the reader not expect to see the same rhetoric extended to the third generation? This is the problem before us.

Chapter 11 is the final section of Deuteronomy's introductory frame. Verse 1, which exhorts Israel to love YHWH and to keep his charge (משמרתו), his statutes (וחקתיו), his judgments (ומשפטיו), and his commandments (ומצותיו) forever (כל־הימים), acts as a transition between 10:12–22 and 11:2–25.[748] With its terminology and didactic tone, verse 1 is entirely congruent with deuteronomic style. Verses 2–9 too are familiar in style and vocabulary, although the syntax of verse 2 has proven difficult for interpreters.[749] The text reads as follows:

וידעתם היום כי לא את־בניכם אשר לא־ידעו ואשר לא־ראו את־מוסר יהוה אלהיכם את־גדלו את־ידו החזקה וזרעו הנטויה׃

In order to illustrate the difficulty of this verse, let us consider a range of modern English translations:

> **ESV:** And consider today (since I am not speaking to your children who have not known or seen it), consider the discipline of the Lord your God, his greatness, his mighty hand and his outstretched arm,
> **NASB:** Know this day that [I am] not [speaking] with your sons who have not known

748 Tigay, *Deuteronomy*, 110.
749 Weinfeld, *Deuteronomy*, *41–42.*

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and who have not seen the discipline of the LORD your God – His greatness, His mighty hand and His outstretched arm,
NRSV: Remember today that it was not your children (who have not known or seen the discipline of the LORD your God), [but it is you who must acknowledge] his greatness, his mighty hand and his outstretched arm,
NJPS: Take thought this day that it was not your children, who neither experienced nor witnessed the lesson of the LORD your God – His majesty, His mighty hand, His outstretched arm;

The difficulty of the text rests in understanding of the clause, כי לא את־בניכם אשר לא־ידעו ואשר לא־ראו, that is, how it is to be read in context and particularly how to interpret את־בניכם. Is את here a direct object marker, is it a preposition, or is it operating as something less common?[750]

For the purposes here, however, it does not matter how this verse is taken. What is necessary is to see (against the ESV interpreters) that the stress of the verse is on the fact that the children in view (i.e., the children of the Moab generation) have not seen or known the past observable events listed in verses 2c–6.[751] In other words, the emphasis is on the children having not seen or known. The NJPS translators recognise this. But is the fact that the children did not experience the previous acts of God the only reality that the second generation is to acknowledge? No, for what begins in verse 2 is picked up in verse 7, as can be seen below:

[2] וידעתם היום כי לא את־בניכם אשר לא־ידעו ואשר לא־ראו את־מוסר יהוה אלהיכם
[7] כי עיניכם הראת את־כל־מעשה יהוה הגדל אשר עשה

Several aspects stand out as parallels between these two verses. The first parallel is the repetition of the particle כי. The second parallel is the repetition of the verb ראה. The third parallel is the repetition of a summary phrase for all of the events cited in verses 2c–6. In the case of verse 2, that summary phrase is, את־מוסר יהוה אלהיכם (the discipline of the LORD your God) and in the case of verse 7, that phrase is, את־כל־מעשה יהוה הגדל אשר עשה (every great deed that the LORD did). The function of verse 7's parallel summary statement is to act resumptively: the second generation is to know, not only that their children (i.e., the third generation) did not witness these events in the nation's history, but also that they did witness them *with their own eyes.*[752] The effect is a *not this, but that* rhetoric.[753]

750 My preference is to take את as a particle of emphasis as appears to be the case in the NJPS translation above. This reading avoids supplying a verb that, according to this reading, is unnecessary. See TIGAY, *Deuteronomy*, 363, (f.n. 6); BDB, 85; and HALAT, 97.

751 Timo VEIJOLA, *Das fünfte Buch Mose Deuteronomium (Kapitel 1,1–16,17)* (ATD 8,1; Göttingen: Vandenhoeck & Ruprecht, 2004), 247–248.

752 This resumption is recognised by Rashi and Ibn Ezra, *ad loc.*

753 NELSON, *Deuteronomy*, 138.

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The "not this" is the experiences of the third generation. The "but that" is the experiences of the second generation.

But does this not undermine my proposed reading strategy: that personal, sensory experiences are to be read collectively – that every generation of Israel can say that they share in the experiences of exodus and covenant making? At first glance, this passage does present a possible deuteronomic exception to the rhetoric of generational compression. Even although the possibility of various rhetorical emphases must be granted, a re-reading of this text actually serves to support, not undermine, my claims.

Consider that in Deut 4:1–40 there were two generations of Israel (i. e., the Exodus and the wilderness generations) within view. Likewise, in Deut 11:2–7 there are two generations of Israel (i. e., the wilderness generation and their children) in view. The apparent problem of Deuteronomy 11 is that the third generation is said to have none of the experiences of the Exodus and wilderness wanderings. Indeed, the second generation is told by Moses that it is necessary to understand that their children do not have these experiences. But Moses also provides a "but that" for the "not this." The "but that" is the second generation's experiences of the Exodus from Egypt and the wilderness years.

Yet the second generation has no such memories in a direct way. Indeed, for the world of Deuteronomy, it is important that the second generation has replaced its parents in the nation and, therefore, does not have personal experiences of the events which Deut 11:7 says their very eyes saw. Cultural memory assists in reading this text, then, because it enables the three generations in question to be seen in their place within the transition between one generation and the following generation, as well as the transmission of memory (first direct, then transmitted). In other words, the fact that the second generation is said to have the experiences mentioned in Deut 11:2–7 undergirds the affirmation that experiences need not be direct, sensory experiences in order for them to be transmitted and received as one's own personal experiences. The second generation of Deut 11:7 has fully replaced its parents in the course of time; they have inherited the transmitted memories of the Exodus generation and are now the stewards of that memory, entrusted with the education of their children – the third generation. This is the state of Israel's cultural memory as depicted in Deut 11:1–7. Whereas Deuteronomy 4 depicts two generations that have achieved a transmission of memory, Deuteronomy 11 depicts two generations that have yet to accomplish such a task.

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7.4.2. A New Covenant for a New Generation? (Deuteronomy 29–30)

Another possible challenge to my proposed reading of Deut 4:1–40 is the fact that Deuteronomy presents itself as a new covenant. The issue is this: if every generation of Israel is able to receive a transmitted memory of the Horeb experience, then why does Moses make a new covenant? Is this a case similar to other ANE treaties (such as that between Muršili II and Duppi-Tessub discussed in 7.2.1. above) that required new treaties to be drafted and ratified whenever new rulers ascended the throne? If so, then Deuteronomy's Moab covenant functions as the most recent treaty document ratified between YHWH and Israel. One of the central texts for this discussion is Deut 28:69 (Heb.), which states,

> אלה דברי הברית אשר־צוה יהוה את־משה לכרת את־בני ישראל בארץ מואב מלבד הברית אשר־כרת אתם בחרב׃
>
> These are the words of the covenant that the Lord commanded Moses to make with the Israelites in the land of Moab, in addition to the covenant that he had made with them at Horeb.

According to this verse, Moses mediates a covenant between Israel and YHWH that is distinct from the covenant that YHWH made with Israel at Horeb and is mentioned in Deut 4:13; 5:3; and elsewhere. But to what is this verse making reference? Is it a superscript introducing Deut 29:1–30:20 or is it a subscript concluding the terms of the covenant presented in Deut 4:44–28:68? This is not an easy issue, and over the years scholars have argued for both positions,[754] but I agree with the growing consensus, represented here by Nelson, that "in the final form of Deuteronomy this verse looks both ways, referring to previous material and summarizing it, while simultaneously pointing forward and initiating what follows."[755]

In the first case, as a summary of what comes before, this verse points up the fact that the actual content of this "new" covenant sealed in Moab is virtually identical to the original covenant sealed at Horeb.[756] As a heading for what follows, this verse introduces the "*ritual* of covenant making, reflected (although not actually described) in chapters 29–30."[757] This has recently been supported by Markl's study of Deuteronomy's closing frame in which he argues that Deut 29:28 (Heb.) is Israel's scripted response in the covenant making ceremony.[758] In other

754 The most recent review of the positions is presented by Otto, *Deuteronomium*, 1,983–1,984. See also Norbert Lohfink, *Studien zum Deuteronomium und zur deuteronomistischen Literatur III* (SBAB 20; Katholisches Bibelwerk: Stuttgart, 1995), 279–291.

755 Nelson, *Deuteronomy*, 339. See also OTTO, *Deuteronomium*, 1,984.

756 Tigay, *Deuteronomy*, 274.

757 Nelson, *Deuteronomy*, 339.

758 Markl, *Gottes Volk*, 104–107. This declaration of self-obligation is reminiscent of EST §57.

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words, Deuteronomy 29–30 is a call and response ritual text. But is this covenant a new covenant for a new generation, or is this covenant a renewal of the older Horeb covenant, as some have argued?

The answer to this question is most likely that Deuteronomy is a covenant renewal text rather than a text for a completely new covenant intended to replace the Horeb covenant. Not only is this the depiction of its use for the wilderness generation, but is also intended for that use on a regular basis – at least that is a common understanding of the reading of "this law" in Deut 31:9–12. According to this view, Deut 31:11 makes reference to "this law" as a deliberate reference to "this law" of Deut 1:5[759] and to the command to "hear, learn, and do" in Deut 5:1.[760] But perhaps the most compelling reason for taking Deuteronomy as a covenant renewal ceremony has been presented by Sonnet, who shows a parallel relationship between Deut 31:12 and 4:10.[761] In both cases the people are gathered (to Horeb in 4:10 and to Moses in 31:12) so that they and their children might "hear," "learn," and "fear" the Lord all of their days. The result, as Sonnet points out, is that Deuteronomy becomes "Moses' conveying *in Moab* the 'words' he received *at Horeb*."[762] The Moab Covenant is necessitated by the death of the previous generation[763] and the impending death of Moses;[764] the repeated, ritualised reading of Deuteronomy on a septennial basis, therefore, becomes the means by which the Horeb experience is passed on to the next generation. This is why, as many interpreters have pointed out, "the covenants of Horeb and Moab are virtually identical."[765] But as will be discussed below, this septennial ritual that takes place at the confluence of the Sabbatical Year and the Feast of Booths (Deut 31:10) is transformed into an annual renewal ceremony, namely Shavuot.[766]

759 Driver, *Deuteronomy*, 335–336.

760 Nelson, *Deuteronomy*, 359; Otto, *Deuteronomium*, 2,117; Karin Finsterbusch, *Weisung für Israel: Studien zu religiösen Lehren und Lernen im Deuteronomium und in seinem Umfeld* (FAT 44; Tübingen: Mohr Siebeck, 2005), 291.

761 Jean-Pierre Sonnet, *The Book within the Book: Writing in Deuteronomy* (BIS 14; Leiden: E.J. Brill, 1997), 142–144.

762 Sonnet, *The Book within the Book*, 144 (emphasis original).

763 Markl, *Gottes Volk*, 123–125.

764 Similarly, within the narrative context of the book of Joshua, it is the impending death of Moses's successor Joshua that creates the occasion for the covenant ceremony in Joshua 24.

765 Tigay, *Deuteronomy*, 274. See also Driver, *Deuteronomy*, 319; Nelson, *Deuteronomy*, 339; von Rad, *Deuteronomy*, 178–179; and McConville, *Deuteronomy*, 409.

766 This is in addition to the twice-daily covenant renewal that the Rabbis envisaged when they exhorted Jews to recite the prayer known as the *Shma* upon rising in the morning and before retiring for the night. The prayer itself is comprised of Deut 6:4–9 (followed by the words, "Blessed be the name of his glorious kingship forever and ever"), Deut 11:13–21, and Num 15:37–41. For the Rabbis, "the *Shma* is the way of actualizing the moment at Sinai when Israel answered the divine offer of covenant with the words 'All that YHWH has spoken we will

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7.5. Deuteronomy 4:1–40 Reconsidered: Theological Interpretation and Israel's Mythic Past

In his *Introduction to the Old Testament as Scripture*, Childs notes that "the shift in perspective [between Israel's generations] which appears in chs. 1–4 is not to be resolved by means of a literary solution. Rather, the issue is a theological one."[767] But precisely how to address this issue – which has been my focus – is only hinted at in the most cursory manner in that volume. He notes,

> the content of Moses' address stems from the one constitutive event of Israel's life, Sinai, but it is offered as a new formulation of the divine purpose in the light of that particular moment in the nation's life, standing between promise and fulfilment.[768]

Given the scope of that particular study, it is no surprise that this analysis falls short. Instead, it is Childs's earlier discussion of history, myth, and actualisation in his *Memory and Tradition in Israel* that moves this discussion further.[769] In that study, Childs is at pains to distance himself from two contrasting theories of actualisation. The first, represented by Sigmund Mowinckel, interprets the concept of actualisation through the relationship between the cult and a-historical myth.[770] The second theory, represented by Martin Noth, understands the role of actualisation to be the cultic recital of historical events that are non-repeatable, once-for-all-time events.[771] Yet in resisting these two divergent theories, Childs seeks a middle way. He states,

> These redemptive events of the Old Testament shared a genuine chronology. They appeared in history at a given moment, which entry can be dated. There is a once-for-all character to these events in the sense that they never repeated themselves in the same fashion. Yet this does not exhaust the biblical concept. The determinative events are by no means static; they function merely as a beginning. Our study of memory has indicated that each successive generation encountered anew these same determinative events. Redemptive history continues. What does this mean? It means more than that later generations wrestled with the meaning of the redemptive events, although this is certainly true. It means more than that the influence of a past event continued to be felt in successive generations, which obvious fact no one could possibly deny. Rather, there was an immediate encounter, an actual participation in the great acts of redemption.

do;'" Levenson, *Sinai and Zion*, 85. For further discussion of the place of the *Shma* within Jewish liturgy, see idem, *Sinai and Zion*, 82–86.

767 Brevard S. Childs, *Introduction to the Old Testament as Scripture* (London: SCM, 1979), 215.

768 Childs, *Introduction to the Old Testament*, 214.

769 Childs, *Memory and Tradition*, 81–89.

770 Sigmund Mowinckel, *Psalmenstudien II: Das Thronbesteigungsfest Jahwäs und der Ursprung der Eschatologie* (Kristiania [Oslo]: Jacob Dybwad, 1922), 21ff.

771 Martin Noth, "Die Vergegenwärtigung des Alten Testaments in der Verkündigung," *EvT* 12 (1952): 6–17.

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> The Old Testament maintained the dynamic, continuing character of past events without sacrificing their historical character as did the myth.[772]

As true and helpful as this is, it is not clear why myth, broadly defined on sociological grounds, might not still be a helpful category. In order to illustrate this, I will now address theology at the intersection of myth and ritual.

The use of the term myth is often challenging, not least because of the wide ranging lack of specificity and misunderstanding on the popular level.[773] This challenge results from the various ways that "myth" has been used, either on the popular level as a widely held but false belief or within sociological studies as a traditional story, especially one concerning the early history of a people. The difference is clear and important. According to the first understanding, "myth" is used as the opposite of "historical" or "true," issues that are not in view in the latter. Instead, the central concern of the second, sociological use of the term is the formational, cultural significance of an event or story. This being the case, there can be true myths or false myths;[774] the issue is not whether a story is factually true but whether it has traction and formational significance on the cultural level.[775] It is in this cultural sense that I use the term.[776]

In light of these brief observations it is perhaps not surprising that this cultural sense is also the sense in which Assmann uses the term myth. At this point, an extended quotation will be helpful to communicate the connection between history, myth, and cultural memory.

> Cultural memory, then, focuses on fixed points in the past, but again it is unable to preserve the past as it was. This tends to be condensed into symbolic figures to which

772 Childs, *Memory and Tradition*, 83–84. See also his *Old Testament Theology in a Canonical Context.* Philadelphia: Fortress, 1985), 94.

773 For a helpful study of myth, see G.S. Kirk, *Myth: Its Meaning and Functions in Ancient and Other Cultures* (SCL 40; Cambridge: Cambridge and Berkeley: California, 1970).

774 At this point, however, the following comment of Yosef Hayim Yerushalmi is a helpful reminder: "Rituals and festivals in ancient Israel are themselves no longer primarily repetitions of mythic archetypes meant to annihilate historical time. Where they evoke the past, it is not the primeval but the historical past, in which the great and critical moments of Israel's history were fulfilled. Far from attempting a flight from history, biblical religion allows itself to be saturated by it and is inconceivable apart from it." Idem, *Zakhor: Jewish History and Jewish Memory* (Seattle: Washington, 1996), 9.

775 In Britain, the myth of Robin Hood has remained particularly influential and remarkably adaptable to cultural needs and interests. See Stephanie L. Barczewski, *Myth and National Identity in Nineteenth Century Britain: The Legends of King Arthur and Robin Hood* (Oxford: Oxford, 2000); or Stephen Knight, *Reading Robin Hood: Content, Form and Reception in the Outlaw Myth* (Manchester: Manchester, 2015).

776 Interestingly, at this point, Childs would seem to agree. "We are not in a position to ask how the interpreted event relates to the 'objective event.' Rather we are forced to ask: How do the successive interpretations of an event relate to the primary witness of that event? One cannot 'get behind' the witness. There are no other avenues to this event except through the witness." Idem, *Memory and Tradition*, 85.

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> memory attaches itself – for example, tales of the patriarchs, the Exodus, wandering in the desert, conquest of the Promised Land, exile[777] – and that are celebrated in festivals (*Festen liturgisch*) and are used to explain current situations. Myths are also figures of memory, and here any distinction between myth and history is eliminated. What counts for cultural memory is not factual but remembered history. One might even say that cultural memory transforms factual into remembered history, thus turning it into myth. Myth is foundational history that is narrated in order to illuminate the present from the standpoint of its origins. The Exodus, for instance, regardless of any historical accuracy, is the myth behind the foundation of Israel; thus it is celebrated at Pesach and thus it is part of the cultural memory of the Israelites. Through memory, history becomes myth. This does not make it unreal – on the contrary, this is what makes it real, in the sense that it becomes a lasting, normative, and formative power.[778]

More recently, Assmann notes that "Myths are narrative elements that, configured and reconfigured in various ways, allow societies, groups, and individuals to create an identity for themselves – that is, to know who they are and where they belong – and to navigate complex predicaments and existential crisis."[779] This clarification is essential, since it helps elucidate the cultural significance of an event such as Israel's meeting with YHWH at Horeb, the central concern of Deuteronomy 4. What the reader finds in Deuteronomy 4 is an *interpretation* of the past. In the words of Robert Polzin, "it tells a story."[780]

This storytelling is something that is already see in Deuteronomy 1–3, but as Moses proceeds to his discussion of Horeb in chapters 4–5, his retelling of Israel's history becomes decidedly religious and overtly exhortative. Whereas the account of Deuteronomy 1–3 contains the same rhetoric of generational compression (e. g., 1:6, 9, 14, etc.), it does so with much less appeal to experiential memory (only 1:30 appeals to the second generation's eyes having seen an event they did not in fact see). Deuteronomy 4, on the other hand, intensifies this appeal to transmitted sensory memory. Speaking of verse 9, Finsterbusch writes, "Als Medium des Zur-Kenntnis-Bringens ist hier vor allem an das intensive Erzählen zu denken: Durch intensives Erzählen können Erlebnisse so plastisch gemacht werden, dass sie für die Zuhörerinnen und Zuhörer zu 'eigenen' Erlebnissen warden, die sie dann quasi auch mit 'eigenen Augen' gesehen haben."[781]

777 Here I would wish to insert the covenant of Sinai/Horeb.

778 Assmann, *Cultural Memory and Early Civilization*, 37–38.

779 Idem, *The Invention of Religion: Faith and Covenant in the Book of Exodus* (trans. by Robert Savage; Princeton: Princeton, 2018), 1–2; and idem *Exodus: Die Revolution der Alten Welt* (München: C.H. Beck, 2015), 20.

780 Robert Polzin, *Moses and the Deuteronomist: A Literary Study of the Deuteronomic History* (vol. 1; New York: The Seabury Press, 1980), xi.

781 Karin Finsterbusch, "Die kollektive Identität und die Kinder: Bemerkungen zu einem Programm im Buch Deuteronomium" in *Gottes Kinder* (*JBTh* 17; ed. by Martin Ebner, et al.; Neukirchen-Vluyn: Neukirchener Verlag, 2002), 101.

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For Finsterbusch, this is possible through Israel's parents bringing their children into contact with the experience. "Die Eltern," she writes, "müssen ihren Kindern dieses Erleben so nahebringen, dass in ihnen Jhwhfurcht als Reaktion erzeugt wird."[782] But, as I argued in the previous chapter, Moses's rhetoric brings the experience so near to the children of the Exodus generation that the experience becomes their own. It is this degree of "bringing near" that is required and is demonstrated by Moses. The response of fearing YHWH is not because an experience of a previous generation has been recounted, but because the direct experiences of a previous generation become the transmitted experiences that are inherited by subsequent members of the community and made their own.

Within this context, the role of ritual becomes essential to the task of memory transmission. After all, "The 'world' of ritual is a world of meaning, a world of symbols; it is the world of meaning and significance within which the ritual is conceptualized, constructed, and enacted."[783] This, of course, is because even in very literate societies, "social memory is shaped, sustained, and transmitted to a great extent by noninscribed practices including rituals of re-enactment, commemorative ceremonies, bodily gestures, and the like."[784] To be clear, the discussion of covenant has hitherto remained within the realm of biblical exegesis, and the discussion of ritual (see the treatment of the Passover Seder in 4.2.2.) was intended illustratively for understanding Jan Assmann's mnemohistorical approach and the nature of cultural memory. What remains unsaid to this point is that there need not be a clear or direct link between the biblical account of a given foundation myth and the recurring ritual that acts as a carrier of that myth. Furthermore, rituals need not remain static. The festival of Shavuot in its contemporary form – a festival for remembrance of God's self-revelation at Sinai – is one such example of a Jewish ritual that neither has direct biblical precedent nor has it remained static. Instead, as is the case with Shavuot, religious rituals can adapt over time and only afterward (or through synthetic, dialogical interaction with the text) do members of the community find scriptural support for the adapted form of the ritual.

Although there are many rituals expounded within the book of Deuteronomy itself (e. g., the writing of the law on a stone on 27:1–8 and the covenant making ceremony of Deuteronomy 29–32 with its many rituals), it is to the re-living of the Sinai covenant in the contemporary Jewish celebration of Shavuot that we now turn. This is not to minimize the importance of these other deuteronomic ritual texts; they have been discussed elsewhere in this study. Instead this turn to

782 Eadem, "Die kollektive Identität und die Kinder," 102.

783 Frank H. Gorman, Jr., *Ideology of Ritual: Space, Time and Status in the Priestly Theology* (JSOTSup 91; Sheffield: Sheffield, 1990), 15.

784 Joseph Blenkinsopp, "Memory, Tradition, and the Construction of the Past in Ancient Israel," *BTB* 27 (1997), 78.

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Shavuot is a deliberate step toward understanding the shaping and preserving power of the rhetoric found in the Sinai account Deuteronomy 4. What is remarkable for our study is not that Deuteronomy gives instructions for specific rituals, or that Deuteronomy describes past rituals, but rather that Deuteronomy 4 – a text that does not give any specific ritual instructions – can have the power to help shape a ritual that is still an ongoing reality in contemporary Jewish life.

Considering Shavuot further, one sees that Deut 16:9 clearly indicates that Shavuot (שבעת, or the Feast of Weeks) – also known in Exod 23:16 as חג הקציר (the festival of the harvest) and in Num 28:26 as יום הבכורים (day of first fruits) – is a harvest celebration with no conceptual connection to Sinai/Horeb.[785] According to Exodus, this holy day is for a holy convocation (מקרא־קדש) and is a day of rest from work and a day for a special grain offering from the (first fruits of)[786] the wheat harvest. Exodus 23:17 adds that this particular day is one of the three festivals for which all Israelite males are to appear before the Lord (כל־זכורך אל־פני האדן יהוה, cf. Deut 16:16). Deuteronomy 16 adds that this festival is to take place seven weeks (thus its name שבעת) after the feast of unleavened bread in order for Israelites to give a freewill offering from the first fruits of their wheat in proportion to how God has blessed their harvest.

Shavuot, however, no longer represents a harvest festival in the Jewish consciousness as it does in all of its biblical forms (including its veiled reference in Lev 23:34–35 and 11QT 18:1–21:10). Instead, the festival developed through debated means in the late Second Temple period into a celebration of the anniversary of God's revelation at Sinai.[787] Thus, a festival that, according to the biblical text, was intended for the purpose of giving to God the first fruits of the wheat harvest is now a festival to celebrate מתן תורה – the giving of God's greatest gift, the Torah.[788] Shavuot itself "has a relative paucity of religious symbols"[789]

785 For a discussion of the ritual innovation of Shavuot, see Nathan MacDonald, "Ritual Innovation and *Shavuʿot*" in *Ritual Innovation in the Hebrew Bible and Early Judaism* (BZAW 468; ed. by Nathan MacDonald; Berlin: Walter de Gruyter, 2016): 55–77.

786 Scholars have pointed out that whereas the Exodus instruction for Shavuot explicates that it is for the offering of first fruits, the instructions in Deuteronomy hint at the feast taking place at the conclusion of the wheat harvest. MacDonald, "Ritual Innovation and *Shavuʿot*," 60–61; and Shimon Gesundheit, *Three Times a Year: Studies on Festival Legislation in the Pentateuch* (FAT 82; Tübingen: Mohr Siebeck, 2012), 152.

787 Irving Greenberg, *The Jewish Way: Living the Holidays* (New York: Touchstone, 1988), 76–80. The only clear reference is the third century comment of R. Eleazar in *b. Pes.* 68b that "All agree with regard to Atzeret, the holiday of Shavuot, that we require that it be also 'for you,' meaning that it is a mitzva to eat, drink, and rejoice on that day. What is the reason? It is the day on which the Torah was given, and one must celebrate the fact that the Torah was given to the Jewish people."

788 Evan Zuesse, "Calendar of Judaism," *EncJudaism* 1:43. See also Terence E. Fretheim, "Law in the Service of Life: A Dynamic Understanding of Law in Deuteronomy," in *A God So Near:*

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compared to other Jewish festivals on the calendar.[790] As one Jewish folk saying goes, "Shavuot is the best among the holidays because one can eat whatever one likes, wherever one likes, and whenever one likes."[791] This does not mean, however, that there is no symbolism or significance to the proceedings of Shavuot, only that each community is more or less free in their organisation of the festival. In many communities the practice of attending all-night study sessions (known as *Tikkun Leil Shavuot*, meaning "repairing the night of Shavuot") at one's synagogue is popular. The reason for such a practice is that according to *Midrash (Shir Hashirim)* 1:12:2 Israel overslept on the morning they received the Torah. The Midrash states,

> Israel slept all through the night, because the sleep of Shavuot is pleasant and the night is short. Rabbi Yudan said: Not even a flea stung them. When the Holy One, Blessed Be He, came and found them asleep, he started to get them up with trumpets, as it is written: "And it came to pass on the third day, when it was morning, that there were thunders and lightnings (Exod 16:16)." And Moses roused Israel and took them to meet the King of kings, the Holy One, Blessed Be He, as it is written: "And Moses brought forth the people [out of the camp] to meet God (Exod 19:17)." And the Holy One, Blessed Be He, went before them, until they reached Mount Sinai, as it is written: "Now mount Sinai was altogether in smoke (Exod 19:18)."

In an effort to repair this lack of eagerness on the part of their ancestors to receive the Torah, contemporary communities stay up through the night studying Torah or other texts such as Ruth (the Megillot reading for Shavuot) or Ezekiel's vision in Ezekiel 1–2 (the prophetic reading for Shavuot). At sunrise, synagogues commemorate *Matan Torah* with a service that includes a reading of the account of Sinai and the text of the Ten Commandments, the only reading that "could satisfy the liturgy of reenactment."[792]

In addition to the general value of communal life and Torah study, one of the most important purposes of Shavuot is to ensure Israel's ongoing vision as a people in covenant with YHWH. According to Greenberg,

> The covenantal way depends for its effectiveness on the continuing recruitment of new generations to keep the human chain going. As with any transmission of tradition, there is a danger that the freshness and depth of covenantal commitment will be lost. Future descendants may carry the tradition as obligation or even burden – as a fossil law handed on without personal involvement. The work of all the previous generations would be forfeit if an entire generation of relay runners dropped the torch. In a very real

Essays in Honor of Patrick D. Miller (ed. by Brent A. Strawn and Nancy R. Bowen; Winona Lake: Eisenbrauns, 2003): 183–200.

789 Greenberg, *The Jewish Way*, 80.

790 Louis Jacobs, "Shavuot," *EncJud* 18:422; and Zuesse, "Calendar of Judaism," 43.

791 Greenberg, *The Jewish Way*, 80.

792 Greenberg, *The Jewish Way*, 82–83.

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> sense, the covenant is vulnerable to history and must be ratified again and again. The holiday of Shavuot is the response to these concerns.[793]

One sees from Greenberg's comment that continuing the communal identity of Israel as a covenant people has become of greater value than commemorating the first fruits from the wheat harvest. Re-enacting *Matan Torah* has superseded the original, biblical purpose for Shavuot.

Rituals often change.[794] This is especially true over time as "people look to them with different concerns and questions."[795] They are never non-negotiable. Even a cursory look at American social rituals will confirm this. For although the ritual acts may change over time and from family to family, the purpose of the ceremonial calendar remains the same. Back at the mid-point of the twentieth century, Warner wrote that

> Christmas and Thanksgiving, Memorial Day and the Fourth of July, are days in our ceremonial calendar which allow Americans to express common sentiments about themselves and share their feelings with others on set days pre-established by the society for this very purpose. This calendar functions to draw all people together to emphasize their similarities and common heritage; to minimize their differences; and to contribute to their thinking, feeling, and acting alike.[796]

But even this formulation does not restrict the ritual acts associated with the examples given. For the average American living in the U.S., Memorial Day is more closely associated with department store sales and barbequing with friends than attending a military ceremony in remembrance and honour of U.S. soldiers who have died in combat. Additionally, the first Macy's Thanksgiving Day Parade was not until 1924 – a relatively new adaptation even considering the youth of the Anglo-American experience – and one of the strongest cultural associations with modern Thanksgiving is American Football. These rituals change and adapt because the needs and expectations of society change with time and through the shaping of cultural influencers. These changes, however, do not detract from the importance of the ritual. Instead, as Warner has indicated, these rituals function to draw individuals together on the basis of what makes them similar, even when what makes disparate family units similar changes over time.[797]

Still, what stands out is that the importance of the Sinai event to Judaism is of such importance that, when faced with the reality of a Scriptural text that offers no ritualised acts for remembrance, an existing biblical festival to commemorate

793 Greenberg, *The Jewish Way*, 80.
794 In the case of Shavuot there is even biblical evidence to support ritual innovation. MacDonald, "Ritual Innovation and *Shavuʿot*."
795 Catherine Bell, *Ritual: Perspectives and Dimensions* (Oxford: Oxford, 1997), 223.
796 W. Lloyd Warner, *American Life: Dream and Reality* (rev. ed.; Chicago: Chicago, 1962), 7.
797 Ibid.

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the wheat harvest was adapted for the needs of the community.[798] In the words of Greenberg, the next generations needed to receive Torah as something alive rather than as "a fossil law handed on without personal involvement."

Remembering the giving of Torah is essential, because Jewish communities esteem Torah study as one of the most important *mitzvot*. For example, one of the most cited supports for Torah study is the comment of *B. Šabbat* 127a, which states, after a long list of acts of kindness, that "Torah study is equal to all of them." In addition to this prescription could be added the saying of *M. ʾAbot* 6:6 that "Greater is Torah than priesthood and kingship, for kingship is obtained with thirty levels, and priesthood with twenty-four, and Torah is obtained with forty-eight things. And these are they: learning, listening of the ear, preparation of speech, understanding of the heart, intellect of the heart, reverence, awe, humility, […]." Thus, within the plausibility structure of Rabbinic Judaism in which Torah study has replaced the sacrificial system, it is essential to re-live Israel's receiving of Torah.[799] Yet it remains important for members of the community to find biblical precedent for such a ritual *post factum*. This is because, "Participation in the rituals as a reasonable act beyond mere social pressure requires an existing universe of discourse within which the ritual practices make sense and accomplish their ends."[800] Much of this "universe of discourse" – another way of describing a plausibility structure – is made up of tradition ("we do such and such because we've 'always' done such and such"), but this tradition is supported to some extent by disparate biblical texts. Among such texts are Deut 5:3 and Exod 19:1. From what has been said regarding Deut 5:3 above, the importance of that verse is self-evident. However, Rashi's comments on Exod 19:1 have also played an important role in supporting the structure of remembering *Matan Torah*.

798 Interestingly, 1QS I–III describes an annual covenant ceremony complete with blessings and curses. The ceremony centres on rejecting all forms of sin and idolatry and re-dedicating oneself to a whole-hearted devotion to YHWH. Importantly, the ceremony begins with a recitation of the mighty and merciful deeds of YHWH as well as the iniquities of Israel. "And after them, all those entering the Covenant shall confess and say: 'We have strayed! We have [disobeyed!] We and our fathers before us have sinned and done wickedly in walking [counter to the precepts] of truth and righteousness. [And God has] judged us and our fathers also; but He has bestowed His bountiful mercy on us from everlasting to everlasting.'" Geza Vermes, *The Dead Sea Scrolls in English* (Revised and extended 4th ed.; Sheffield: Sheffield, 1995), 71.

799 On the importance of plausibility structures, see Peter Berger and Thomas Luckman, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (Garden City: Doubleday), 1966; Lesslie Newbigin, *The Gospel in a Pluralist Society* (London: SPCK), 1989; and, more recently, R.W.L. Moberly, "Theological Interpretation, Presuppositions, and the Role of the Church: Bultmann and Augustine Revisited," *JTI* 6 (2012): 1–22.

800 Dru Johnson, *Knowledge by Ritual: A Biblical Prolegomenon to Sacramental Theology* (JTISup 13; Winona Lake: Eisenbrauns, 2016), 46–47.

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Exodus 19:1 states that "On the third new moon after the Israelites had gone out of the land of Egypt, on this day, they came into the wilderness of Sinai." Why does Moses write, "on this day?" Rashi explains,

> It ought not to write ביום הזה, but ביום ההוא, "on that day;" what, then, is the force of the words "on this day?" Since they refer to the day when the Israelites came to Sinai to receive the Torah they imply that the commands of the Torah should be to you each day as something new (not antiquated and something of which you have become tired), as though He had only given them to you for the first time on the day in question.

Such a reading offers important insight into the plausibility structures around Shavuot and the re-enactment of the Sinai event. As is well known, in the Passover Seder every Jew must imaginatively envision that (s)he was personally delivered from Egypt.[801] Similarly, according to Rashi and ongoing Jewish tradition, every Jew must also believe that (s)he receives Torah every day, that it was not a one-time event in a distant past. At Shavuot, Jews rededicate themselves both collectively and individually to YHWH and receive Torah once again, but this relived experience operates within a context where Torah is repeatedly and gratefully received every day.

The discussion of Shavuot as an ongoing ritualised remembrance of Sinai confirms major claims from the previous discussion of Deut 4:1–40. First, the Sinai covenant is a foundation myth of the highest importance in ancient Israel and modern Judaism. Secondly, remembering that event is not a simple matter of writing an authoritative account of that event for later generations to read and remember, nor is it a simple matter of telling stories that are passed down from generation to generation. Although the act of retelling later generations about Horeb is always necessary, it is never sufficient on its own. Remembering the Horeb event, according to Deuteronomy 4, is a matter of breaking down generational barriers and firmly placing all later generations in their turn into the proverbial shoes of their ancestors.[802] Thirdly, and perhaps most importantly,

801 Similarly, the writings of the New Testament reflect a strong communal understanding of the work of Christ. Although some texts reflect a theology of "Jesus died for me" (see Gal 2:20), the overwhelming testimony of the early church is reflected in the statement "Jesus died for us." Given the communal nature of memory, cultural identity, and the covenantal relationship depicted in Deut 4:1–40, this communal view of the New Covenant should not surprise. Indeed, seemingly everywhere one turns in the New Testament, a communal understanding of Christ's atonement on Calvary is on display. See, for example, Rom 5:6–8, 15, and 18; 2 Cor 5:18–19; Eph 2:5–7; 5:25; 1 Pet 3:18a; 1 John 4:9–10.

802 Paul, likewise, speaks of the Christian's ability to participate in the death of Christ in at least two ways. First, according to the voice of Paul, Christians collectively have been crucified with Christ (Rom 6:6), buried with him (Rom 6:4a; see also 2 Tim 2:11), raised with him (Rom 6:4b; see also Gal 2:20b), are now walking with him (Rom 6:4c), and have also been seated with him in the heavenly places (Eph 2:6; see also Col 3:1). Secondly, Paul points up the trans-generational nature of the Christ event in Gal 3:1–3 where he claims that the Galatians are

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this discussion points up that, according to the world of Deuteronomy, when YHWH entered into covenant with the whole people of Israel it was also in an individualised manner. God did not choose only to reveal himself and his Torah to Israel as a collective whole. Yes, all of Israel stood at Sinai to receive the Torah as a collective whole, but this is only part of Judaism's claim – substantiated as it is by biblical texts including Deut 4:1–40. The other aspect is that through re-enactment of receiving the covenant God reveals himself and his Torah to each and every Israelite as an individual, who can come to the mountain and enter into that great covenant and receive God's Torah no matter how far removed – geographically or temporally – that individual is from the event.[803]

This discussion of Shavuot is also helpful in pointing up the theme of my conclusion that the rhetoric of generational compression in the covenant language of Deut 4:1–40 – together with the ongoing Jewish ritual of Shavuot – is a helpful and necessary corrective to any view of covenant that envisions Horeb as a "fossil law" or that emphasises either the individual or the community to the minimisation of the other. To be even more theologically explicit, I am speaking here of a God who makes covenants with people (individuals) and with peoples (communities of individuals).[804]

witnesses of Christ's death through Paul's own sufferings for the Gospel. Paul is a manifestation of the crucified Lord. Not only is Paul preaching the crucified Jesus, but is himself a revelation of the crucified Christ through his own suffering in the likeness of Christ, which causes Jesus's crucifixion (and resurrection) to become a living encounter, an inherited memory, not merely a story passed on. There is ever a temptation to conceive of God's self-revelation within the categories of "direct" (the Exodus generation's experience of Horeb, Mary's experience at the foot of the cross, or Thomas's experience of the resurrected Jesus) and "mediated" (the wilderness generation's experience of Horeb, the Galatian and Corinthian churches's experience of cross, or one's own reading and hearing of Thomas's experience). If this understanding is adopted, however, then the church's understanding of God's self-revelation is in trouble, for as has been seen through our discussion of cultural memory differently conveyed revelation does not amount to a qualitative distinction.

803 This third claim is not only substantiated by Jewish tradition, but by the growing view of Deuteronomy's *Numeruswechsel* not as data points for redaction criticism but rather as part of the book's rhetorical style indicating attention to both Israel's collective identity and each Israelite's individual responsibility. For example, see Lundbom, *Deuteronomy*, 9–10; and Weinfeld, *Deuteronomy*, 16.

804 Readers from a Protestant tradition may recognise in this statement a critical response to some of the excesses of Protestant individualism. Some have even argued for a causal relationship between Protestantism and individualism; see Robert N. Bellah, et al., *Habits of the Heart: Individualism and Commitment in American Life* (Berkeley: California, 1985); and Andrew Delbanco, *The Real American Dream: A Meditation on Hope* (Cambridge: Harvard, 1999). A counter-argument has been offered by Barry Alan Shain, *The Myth of American Individualism: The Protestant Origins of American Political Thought* (Princeton: Princeton, 1994). Readers from a Jewish tradition may recognise in this statement a response to some of the excesses of Jewish communalism. See the recent attempt at a corrective in Jon D. Levenson, *The Love of God: Divine Gift, Human Gratitude, and Mutual Faithfulness in Judaism* (Princeton: Princeton, 2016), 143–179.

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7.6. Conclusions

The present chapter has moved the discussion from history and the world behind the text to the world within the text and, finally, to a place of recognising that, for communities of faith that receive the Bible (however conceived) as authoritative Scripture, these two worlds (i. e., behind and within the text) must impact the life and faith of those readers in front of the text. This influence has been conceived of as "responsiveness." The revelation of God and God's self-revelation in Scripture is not a fossil to be dug up, dusted off by experts, and observed in a display cabinet. Instead, for communities of faith, God's self-revelation in Scripture is that than which nothing can be more influential to belief and practice. God's continued act of revelation through Scripture must be accompanied by responsiveness on the part of those who continue to read and hear Scripture as God's address to humanity. In doing so, those who listen are confronted by the divine. In relation to Deut 4:1–40, I have argued that responsiveness is conceived within in a trans-generational and communal system. Not only does the text itself point up means by which later generations could imaginatively relive the Horeb event (by inserting themselves in the place of their ancestors), but later tradition, too, was developed as a means to ensure that those memories would continue to be transmitted successfully. This deeper understanding of the theological effect of generational compression in turn can – and should – enrich and (in some cases) correct the common Christian approaches to the so-called New Covenant in Christ Jesus, which God made with his church. How this might be so leads to the concluding chapter.

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8. Conclusion

The catch phrases "social matrix" and "canonical shape" suggest the relationship between social scientific criticism and canonical criticism in Old Testament studies. In particular, I want to stake out the intrinsic compatibility of their collaboration, in order properly to fulfil what each approach hopes to achieve.[805]

8.1. Review of Argument

As the present study draws to a close, it is perhaps helpful to reconsider the discussion that has taken place to this point. The first word was given by Jan Assmann in Chapter 2, where his attention to cultural memory was the focus. I noted that, in addition to being able to address historical questions from a cultural perspective, Assmann's cultural memory approach to the Bible has the ability to ask interesting questions of the text. Rather than approaching the Bible as a source text for investigating "what really happened," Assmann's approach probes what is being remembered, by whom, and for what reasons. Importantly, these questions move the conversation from a focus on the history and development of ancient Israelite religion into the realm of reception (i.e., the reception of a cultural memory). This realm of study promises fruitful discussion regarding the ongoing life and practices of communities of faith. It seems to me, however, that the practitioner of this approach may not be able fully to engage with the text from within the community and for the theological benefit of the community. Instead, the role of detached historian is best suited for Assmann's approach. As my aim was to engage in theologically constructive conversation from within and for the sake of contemporary communities of faith, I did not end the discussion with Assmann but allowed another scholar to help shape my interpretive framework of Deuteronomy.

805 Norman K. Gottwald, "Social Matrix and Canonical Shape," *ThTo* 42 (1985), 307.

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The second word came from Brevard Childs in Chapter 3 where I discussed his canonical approach to his work as a biblical theologian. At this point, at least two features of Childs's approach stood out. The first was the nature and process of canonisation. For Childs, this process was never external to the community of faith for whom the writings were deemed authoritative. Instead, the communities understood themselves to be accomplishing an essential task for future generations of the community. Given the motivation of the tradents involved in the process of canonisation, Childs further affirms that theological reasons must be explored at those points where modern biblical scholars identify seams or fractures within the biblical text. Stated differently, when confronted with points of contradiction or evidence of redaction and editing, Childs argues that the tradents preserved the text for theological reasons. In this way, these points of tension bring the received form of the text into sharper focus; the theologically minded reader, therefore, should dig deeply at these points precisely because the tradents prioritised theological richness over and against creating a seamless canon. The second emphasis of the engagement with Childs was his commitment to read the Old Testament as a witness – within a Christian canon, moreover, the Old Testament is a witness to Jesus Christ. However, Childs in no way seeks to flatten the Old Testament witness into that of the New. Rather, the Old Testament is a distinct witness to the God of Israel, whom the church also confesses to worship. In this sense, the term Old Testament is very much a Christian way of framing that text which the church shares with Judaism.

In Chapter 4, Assmann and Childs were brought together to speak on a single subject – the Passover of Exodus 12–13. To be sure, these introductions to Assmann and Childs revealed two scholars that are in less than complete agreement with one another; one (the historian) reads the Bible as evidence for a culture's memory and self-understanding, the other (the theologian) reads the Bible as Scripture, an authoritative witness to the Lord Jesus Christ. And yet, despite their different approaches and methods, when given the chance to address a common text, Assmann and Childs seemed to agree at many points. First, both focus their attention on the received text, an approach that is by no means the standard practice among modern biblical scholars. Secondly (and related to the first), their responses to internal tensions within the text have much in common. Both Childs and Assmann viewed these seams within the bedrock of the text as markers of where to dig deeply. For Assmann, the transition from the first nine plagues that are thoroughly Egyptian in theme to the tenth plague that has no cultural importance to Egypt identifies the theme of the firstborn as an important subject of his cultural memory approach. For Childs, the tension that draws his focus is the embeddedness of legal instruction in the midst of narrative, which, to his mind, points towards theologically promising territory for investigation. Finally, both Childs and Assmann – though in different ways – work from the assumption that

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the community was involved in the canon-making process – and this for the sake of future generations.

Upon thus establishing a theoretical framework for interpretation, attention turned in Chapter 5 to establishing the memory context of Israel within the world of Deuteronomy. In this effort, both Childs and Assmann were allowed to form the questions asked of the text. The discussion of Assmann encouraged the examination of what is remembered, by whom, and for what reasons, whilst the discussion of Childs supported imaginatively asking these questions of the community within the world of the text (with implications for the community in front of the text) rather than of a reconstructed "historical" community behind the text. This line of enquiry pointed up the precarious state of Israel's cultural memory. Not only is it essential to the world of Deuteronomy that the Exodus generation (apart from Moses and Joshua) has died, but with this death comes the death of the first-person experiences of Exodus and Horeb. A second major theme of Deuteronomy that stood out was the imminent death of Moses, which unquestionably influences his pedagogical concerns within the depiction of Deuteronomy. Finally, it was pointed out that Deut 29:3 (Heb.) assumes a causal separation between the faculties of experience and the kind of response to those experiences that Moses seeks to encourage.

With these observations in place, the task of addressing Deut 4:1–40 was finally before us. Thus in Chapter 6 I turned to this well-known paraenesis. The main focus was on how this text's depiction of the Horeb event and the shaping of the memory of the Israel within the world of the text might have shaped and perpetuated a cultural memory of that event beyond the text, particularly how this text enables later members of communities of faith for whom this text is Scripture to imaginatively re-enact and participate in the experiences of an earlier generation. To this end, I read Deuteronomy 4 with Childs's and Assmann's concerns fresh in mind and asked how this text might assist in the transmission of a memory that is depicted as at risk of being lost. It was the so-called rhetoric of "generational compression" that stood out as a means by which the Moses of Deuteronomy imaginatively places his audience both in the position of their parents at Horeb (verses 9–14) and in the place of their descendants in exile and return from exile (verses 25–31). Of course it was not the wilderness generation for whom Horeb is a personal memory – or for whom exile and return will become personal memories – according to any modern historical criteria. And yet with the questions of cultural memory and the burden of canon consciousness in mind, this rhetoric points towards more. This rhetoric of Deuteronomy teaches the reader to understand the formative events of Israel's history differently, in a way that places the burden of grateful, responsive obedience to Deuteronomy's legal core upon every generation. For example, the affirmation of Deut 5:3 ("Not with our fathers did YHWH make this covenant, but with us, we

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ourselves, who are all of us here alive today," AT), along with the covenant to which it refers, becomes an enduring reality.

Finally, in Chapter 7 I discussed this rhetoric of generational compression in comparison with contemporary ANE treaty texts as well as with other biblical texts. I briefly argued that the generational compression of Deuteronomy 4 has a different rhetorical effect than those ANE treaty texts that contain comparable rhetoric. Additionally, through comparison with texts within and beyond Deuteronomy, I argued on the one hand that the use of generational compression is not a rhetorical inevitability – the biblical authors have other possible rhetorical devices at their disposal, each with its own effect – and on the other hand that Deuteronomy 4 is not alone in its use of such a rhetoric. After addressing two possible deuteronomic exceptions to a use of generational compression (Deut 11:1–9 in 7.4.1. and Deuteronomy 29–30 in 7.4.2.), I addressed the role of ritual in understanding the ongoing implications of such a rhetoric for believing communities. In particular, I spoke of Deuteronomy 4 in terms of a mythic past that maintains its relevance (in part) because of the ritual of Shavuot. The Horeb event, it was claimed, was so culturally indispensable as a foundational memory that a festival for the celebration of the wheat harvest was repurposed for the ritualised remembrance of that event. When this took place, it is no surprise that Shavuot took on the same means of memory transmission that Pesach and Sukkot already had; that is, Shavuot encourages the act of re-living the Sinai/Horeb experience and looking forward to a life of grateful obedience, rather than looking back with fondness to a past, once-for-all event.

8.2. Contributions to Current Research

Many contemporary, European – especially continental – Deuteronomy scholars have benefited greatly from the incisive work of Jan Assmann. The reasons for this are plain enough given Deuteronomy's own emphasis on memory and its central place in the discussion of ancient Judaism's formation, preservation, and self-understanding. Therefore, it is conspicuous that Assmann has never offered an extended engagement with the text of Deuteronomy in the way that he has the book of Exodus. In addition, the present study's book-length focus on employing Assmann's cultural memory approach to the book of Deuteronomy is, to my knowledge, the first of its kind. I hope, therefore, to advance – not conclude – an important conversation on aspects of Deuteronomy's text, theology, and contemporary significance that are brought to light through the use of cultural memory.

Furthermore, this study has sought to bring Assmann's work to bear on the text of Deuteronomy for constructive, theological purposes that benefit con-

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temporary communities of faith. By contrast, much of the contemporary work by biblical scholars that employs cultural memory as an exegetical resource is focussed on answering historical, diachronic questions. Recently, the focus of many scholars within this subfield has been on reconstructing the history of Judahite religion and exilic identity. Although the importance of these studies is self-evident, the present study has sought to employ cultural memory for different purposes, and I hope that the use of Assmann in this way will point out new vistas for research.

Other perceived contributions of the present volume result from my attempt to apply Assmann's cultural memory approach to the task of theological interpretation by bringing his work into constructive engagement with the canonical approach of Brevard Childs. This is novel for at least two reasons. First, it explores one possible way to use Assmann's approach for the benefits of contemporary communities of faith. Secondly, this study has shown that despite Childs's strong reservations about sociological approaches to the Bible, they need not flatten the Old Testament witness in the way he feared. In the end, both the sociological and canonical approaches can mutually benefit from being brought together.

Finally, I hope "generational compression" might serve as a helpful term for an important rhetorical feature within the book of Deuteronomy – and elsewhere – that has not received the attention it perhaps deserves. I will not be surprised if this catchphrase does not have a lifespan beyond this book, but it seems to me better than many of the available alternatives. If this study brings this aspect of Deuteronomy's rhetoric and way of constructing theology and transmitting cultural memory into sharper focus, this study will have been successful.

8.3. Avenues for Further Studies

And what of further study? While it is true that some books aim for definitude and seek to put an end to counterarguments, this is not the case with the present book. Instead, I believe this work points up many possible avenues for further research.

First, I hope this work will pave the way for future use of cultural memory for the intentional benefit of those inhabiting contemporary communities of faith. One possibility for such work is the use of cultural memory in the defense of liturgy, which has a tendency over time to take on fossil-like qualities in the consciousness of both clergy and laypersons. Cultural memory, however, might be employed to explain the pedagogical function of liturgy and to explicate the function of these practices for memory making and the deliberate formation of collective identity.

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This study also anticipates further investigation of the rhetoric of generational compression in the remainder of the Old Testament as well as other ANE texts. Further studies might explore, for example, how the Psalter employs generational compression in its parts and in its entirety; how prophets use generational compression in a way that differs from other portions of the Old Testament; and whether prophets employed generational compression knowingly and if so to what end. Such questions might benefit from the work that has been conducted in the pages above.

Finally, this study of Deuteronomy has not only pointed up the cultural nature of memory but also its transgenerational nature. These conclusions, therefore, might serve as the basis for further study of the relationship between Deuteronomy's presentation of what it means to "see" and "hear" Horeb and what it means to encounter Jesus in the New Testament. Relevant examples include the use of seeing and hearing in the Gospel of John as well as Paul's language of participation and encounter – for example in the letter to the Galatians where Jesus is said to have been "publicly portrayed as crucified" before the eyes of the Galatian church. If this study has shown anything, it is that statements like this are often more than a declaration of direct experience. Instead, it has become clear that the biblical text not only testifies to a cultural memory but can even become a means for remembering the *un*experienced.

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