

The Literary Development of Deuteronomy 12: Between Religious Ideal and Social Reality¹

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The texts in Deut 12 that demand the concentration of cultic worship at a single divinely designated site hold a pivotal place in biblical history – pivotal in the development of modern scholarship on the Hebrew Bible, pivotal to the people who produced and fostered the Hebrew Bible, and pivotal for having reoriented religious experience from the three-dimensional to the textual. As the idea of creation from nothing belongs to religious faith, whereas the sciences and the humanities seek processes, incremental change at the hands of prior forces, often uncoordinated steps coalescing serendipitously to impressive effect, scholars have sought and found evidence that neither the idea to concentrate cultic worship in a single location nor the text of Deut 12 burst upon the scene in a flash of blazing brilliance *ex nihilo*. The *idea* emerged in response to human events of magnitude, contemplating them, synthesizing them into a program, going so far as to give *a priori* significance to a *de facto* situation.² The *text expressing the idea* shows signs of growth and revision, of progressive coalescence. This study brackets the historical origins of the idea itself to focus on its successive literary expressions.

All of the pivotal chapter 12, every section of it, has come under critical scrutiny, and scholars have debated how to divide it up and reorganize its

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² See, for now, Lisbeth S. FRIED, “The High Places (Bāmôt) and the Reforms of Hezekiah and Josiah: An Archaeological Investigation,” *JAOS* 122 (2002): 437–65, esp. 461; compare George A. SMITH, *Jerusalem: The Topography, Economics and History from the Earliest Times to A.D. 70* (2 vols.; London: Hodder & Stoughton, 1907–1908), 2:175–77; also Elizabeth BLOCH-SMITH, “Assyrians Abet Israelite Cultic Reforms: Sennacherib and the Centralization of the Israelite Cult,” in *Exploring the Longue Durée: Essays in Honor of Lawrence E. Stager* (ed. J. David Schloen; Winona Lake, Ind.: Eisenbrauns, 2009), 35–44.

constituent parts.³ Mainly, they have done so on the basis of repeated elements – or putative repetitiveness – and alternation in address. This study will propose one more such stratification, but it will do so on an alternate basis of several converging indications in the flow, topics, legal reasoning, style, and internal references. The analysis will work from the ground up, following factual literary phenomena to a synthetic conclusion, rather than, in circular fashion, weigh the text against a theory that, when all is said and done, has been constructed from the very text under discussion. The analysis will plow along following the furrows of formal and substantive aspects of *entire paragraphs* rather than hunting and gathering disembodied ideas or themes in isolated verses or even clauses.⁴ Encompassing 11:31–12:28, it will cover some familiar ground, with limited apparent contributions perhaps, especially in 11:31–12:12, but it will do so mainly with an eye toward preparing the ground for the newer aspects of the analysis that will develop, in particular with respect to 12:13–28.⁵ In effect, the analysis will reveal that rather than interpolate bits

³ To gain a brief but illuminating sense, see the convenient critical review of scholarship in Eduard NIELSEN, *Deuteronomium* (Tübingen: Mohr Siebeck, 1995), 133–35.

⁴ Carl STEUERNAGEL goes to extremes throughout the chapter in this regard, striking out repetitive elements, especially where D switches address (*Deuteronomium und Josua und Allgemeine Einleitung in den Hexateuch* [Göttingen: Vandenhoeck & Ruprecht, 1900], 42–48), and in terms of method Nielsen does not deviate much from him (NIELSEN, *Deuteronomium*, 133–41). The text-critical data gathered and organized by Emanuel TOV demonstrates a process of scribal assimilation that should put this approach in check to some degree (“Textual Harmonizations in the Ancient Texts of Deuteronomy,” in *Mishneh Todah: Studies in Deuteronomy and Its Cultural Environment in Honor of Jeffrey H. Tigay* [ed. N. S. Fox et al.; Winona Lake, Ind.: Eisenbrauns, 2009], 15–28). Jeffrey H. TIGAY, overlooking context and shape, follows only themes and identifies an alternating structure in vv. 2–28, almost as if to gainsay the need for source-critical approaches and conclusions altogether (*Deuteronomy* [Philadelphia: Jewish Publication Society of America, 1996], 122). Bernard M. LEVINSON advances an argument that sees the problems throughout the text of Deut 12 as signs or even symptoms of its hermeneutical engagement, in particular with the altar law of Exod 20 (*Deuteronomy and the Hermeneutics of Legal Innovation* [New York: Oxford University Press, 1997], 23–52). The approach here contrasts with Levinson’s analysis, at least with respect to vv. 13–28, in that it sees three different paragraphs responding to each other hermeneutically in diachronic succession. For specific points of disagreement on the long-standing cruxes with respect to the root נב"ח in vv. 6, 11, 15, 21, 27 and the expression צויתך in v. 21, compare the analysis below with Levinson, *ibid.*, 38, 41–43, 46–47.

⁵ On the point that the introduction to the laws properly begins in 11:31, not 12:1, see already Rashi, at 12:8; Alfred BERTHOLET, *Deuteronomium* (Freiburg: Mohr Siebeck, 1899), 38; and see further the stylistic arguments developed in Gottfried SEITZ, *Redaktionsgeschichtliche Studien zum Deuteronomium* (Stuttgart: Kohlhammer, 1971), 38–40; Alexander ROFÉ, “The Strata of the Law about the Centralization of Worship in Deuteronomy and the History of the Deuteronomical Movement,” in *Deuteronomy: Issues and Interpretation* (Edinburgh: T&T Clark, 2002), 97–101 (orig. pub. 1972), here 98–99, who adds evidence from ancient witnesses and interpretations; compare STEUERNAGEL, *Deuteronomium*, 42. Note, too, that in LXX and 4Q45 = 4QpaleoDeut^a frag. 13–14, l. 5, Deut 12:1 begins ואלה (Patrick W.

and pieces here and there on an *ad hoc* basis, nearly each hand involved in the gradual production of this chapter wrote an entire paragraph, that each did so on the basis of a previous one, and that, as far as the indications seem to go, none meant physically to replace the paragraph composed before it but hermeneutically to qualify it. The argument aims to illustrate how law framed and styled as programmatic may in fact follow common practice and adapt to it, a conclusion of particular significance with respect to a text as pivotal as Deut 12, for the light it can shed on the history of ancient Israel, its religion, and its literature.

The opening verses, Deut 11:31–12:1, which serve to introduce the laws, state:

כי אתם עברים את הירדן לבא לרשת את הארץ אשר ה' אלהיכם נתן לכם וירשתם אתה וישבתם בה ושמרתם לעשות את כל החקים ואת המשפטים אשר אנכי נתן לפניכם היום אלה החקים והמשפטים אשר תשמרון לעשות בארץ אשר נתן ה' אלהי אבותיך לך לרשתה כל הימים אשר אתם חיים על הארמה

When you cross the Jordan to go possess the land that Yahweh your god is giving you, and you possess it and settle in it, you must be careful to do all the laws and statutes that I am giving you today. These are the laws and statutes that you must be careful to do in the land that Yahweh the god of your fathers is giving you to possess, all the days you live upon the earth.

The core command to concentrate all cultic worship at a single locale follows immediately in 12:2–7. The law ignores Israel’s own past and practices, to make its foil the Canaanites: they worshipped their many gods in many places; Israel, by contrast, will worship its one God in one place. Moreover, this law profoundly innovates, Israel can entertain no middle ground: the worship of Yahweh in many places amounts to the worship of many gods. The law also demands as a matter of truth and falsehood, of absolutes, that Israel must make this sharp turn in mode of religious worship immediately upon entering the land. No contingencies may delay its implementation.⁶

SKEHAN, Eugene ULRICH, and J. E. SANDERSON, *Qumran Cave 4.IV: Palaeo-Hebrew and Greek Biblical Manuscripts* [DJD IX; Oxford: Clarendon, 1992], 138). Even if secondary, as seems likely, it demonstrates that the ancient reader understood the verse to continue directly the previous verses, not to begin a new section or subsection.

The study goes no further than 12:28 because the paragraph that begins in 12:29 no longer treats the question of cultic centralization per se. Specifically, 12:29 appears to pick up the theme specifically of 12:2–3 and begin its development (which continues through ch. 13) – what not to do and how to restrain oneself and prevent others from doing so – whereas 12:4–28 detail the alternative to 12:2–3, what Yahweh wants Israel to do and how to ensure its practicability.

⁶ Within Josh–Kgs, a realization of this conception exists only in the Priestly tradition of the book of Josh that has Israel encamped around the tabernacle at Shiloh as a direct continuation of cultic practice in the wilderness (Josh 18–22; see also 1 Kgs 8:1–11). Compare ROFÉ, “Strata of the Law,” 99, 101.

אבד תאבדון את כל המקומות אשר עבדו שם הגוים אשר אתם ירשים אתם את אלהיהם על ההרים הרמים ועל הגבעות ותחת כל עץ רענן ונתצתם את מזבחתם ושברתם את מצבתם ואשריהם תשרפון באש ופסילי אלהיהם תגדעו ואבדתם את שמם מן המקום ההוא לא תעשון כן לה' אלהיכם כי אם אל המקום אשר יבחר ה' אלהיכם מכל שבטיכם לשום את שמו שם לשכנו תדרשו ובאתם שמה עלתיכם וזבחיכם ואת מעשרתיכם ואת תרומת ידכם ונדריכם ונדבתיכם ובכרת בקרבם וצאנכם ואכלתם שם לפני ה' אלהיכם ושמתם בכל משלח ידכם אתם ובתיכם אשר ברכך ה' אלהיך

Destroy all the places where the nations whom you are dispossessing worshipped their gods, on the high mountains and on the hilltops and under every verdant tree; you shall demolish their altars and smash their monuments, and their poles you shall incinerate, and the statues of their gods you shall hack to bits; you shall eradicate their name from that place. You shall not do so for Yahweh your god (i.e., as they did for their gods).⁸ Rather, to the place that Yahweh your god will choose from all your tribes to set his name there⁹ – to establish it/to his dwelling¹⁰ – shall you look.¹¹ You shall go *there*,

⁷ Following LXX and SamP, read **ובאתם**, “you (pl.) shall go.” So, e.g., August DILLMANN, *Die Bücher Numeri, Deuteronomium und Josua* (Leipzig: S. Hirzel, 1886), 294–95. It is tempting to speculate that **שם והבאתם שם** results from dittography (compare vv. 10–11); so, e.g., Naphtali H. TUR-SINAI, *Peshuto shel Mikra* (4 vols. in 6; Jerusalem: Kiryat Sepher, 1962–1968) [Hebrew], 1:206.

⁸ Many have noted the obvious, that this verse refers to the character of worship described in v. 2, e.g., DILLMANN, *Numeri, Deuteronomium und Josua*, 294; so already Rashi, Ibn Ezra, Rashbam. STEUERNAGEL claims that the way v. 3 interrupts the continuity between vv. 2 and 4 points it up as an interpolation (Deuteronomium, 43, 44), but this tree-like, hypotactic style of discourse – syntactically sound but rhetorically challenging – characterizes D generally and cannot serve as evidence of revision. Indeed, one already encounters an example in v. 2 itself, where it bears the mark of artistry: the final, prepositional clause, **על ההרים הרמים ועל**, completes the initial, main clause, qualifying specifically its direct object **אבד תאבדון את כל המקומות** (namely, the final clause is an asyndetic relative clause); the second-to-last clause, the marked direct object **את אלהיהם**, completes the second, subordinate clause **אשר עבדו שם הגוים**; and in the middle sits a subordinate clause to the subordinate clause, **אשר אתם ירשים אתם**.

⁹ For the infinitive **לשום**, LXX has *ἐπονομάσαι*, as if deriving it etymologically from the noun **שם**, “name,” which in effect, if not also design, aligns the expression with Exod 20:24, **אזכיר**. On the systematic engagement with the altar law and the Covenant Code of Exod 20–23, see already DILLMANN, *Numeri, Deuteronomium und Josua*, 293–97; but especially LEVINSON, *Deuteronomy*, 38, 41–43.

¹⁰ The more popular historical view of **לשכנו** in v. 5b sees it as a secondary gloss on **לשום** in v. 5a (e.g., DILLMANN, *Numeri, Deuteronomium und Josua*, 294; Arnold B. EHRLICH, *Randglossen zur hebräischcn Bibel* [7 vols.; Hildesheim: Olms, 1968; orig. pub. 1908–1913], 2:284). Yair ZAKOVITCH makes a strong case for a confluence of literary-critical and text-critical forces, in which the original text in v. 5a had **לשכן**, an editor indicated its replacement by **לשום**, but instead of disappearing entirely **לשכן** persevered elsewhere in the verse, in v. 5b, as **לשכנו** שם, **לשכן שמו שם**, **לשום שמו שם**, **לשכן שמו שם**, Tarbiz 41 [1972–1973]: 338–40, here 339). Compare STEUERNAGEL, who sees vv. 4–7 as the work of a harmonizing redactor who combined the lists of vv. 11–12 and 17–18 as well as the different terminology of v. 11, **לשכן**, and v. 21, **לשום** (Deuteronomium, 43).

In its current form, some read **לשכנו** in apposition to the nominal clause “the place Yahweh your god shall choose from all your tribes to set his name there” (*Tg. Onq. לבית שכינתיה*),

and you shall bring *there* your whole-burnt offerings and your consumable offerings, your tithes and your tributes, and your pledges, presents, and firstborn cattle and sheep; and you shall eat *there* before Yahweh your god, and you shall rejoice with all the produce – you and your households – with which Yahweh your god has blessed you.¹²

However, in vv. 8–12, a second iteration of the command follows immediately, with no acknowledgment of the duplication and no attempt to coordinate the two versions.¹³ This iteration describes the concentration of cultic worship

Rashi, Ibn Ezra, Ramban; Samuel R. DRIVER, *A Critical and Exegetical Commentary on Deuteronomy* [Edinburgh: T&T Clark, 1895], 141), while others see it in apposition to the infinitive **לשום** and take the final *waw* as an accusative object referring pronominally to “his name” (Sforno; DILLMANN, *Numeri, Deuteronomium und Josua*, 294; Arnold B. EHRLICH, *Mikra Kifshuto* [3 vols.; Berlin: Poppelauer, 1899–1901] [Hebrew], 1:329; BERTHOLET, *Deuteronomium*, 39; STEUERNAGEL, *Deuteronomium*, 44; TUR-SINAI, *Peshuto shel Mikra*, 1:205–6; TIGAY, *Deuteronomy*, 120).

LXX represents the pronominal suffix of **לשכנו** as the copulative *καί*. The remaining element, **לשכן**, LXX renders with the passive infinitive *ἐπικληθῆναι*, “to be invoked” – as it does in 12:11; 14:23; 16:2, 6, 11; 26:2 – as if vocalizing **לשכן**: “to have his name invoked there” (a way of reading familiar to the translator from **לְאֹהֵי** in Exod 34:24 and Deut 31:11; see LXX there). Moreover, in 12:21 and 14:24, where MT reads **לשום שמו שם**, LXX again has *ἐπικληθῆναι*, which suggests a Hebrew source text that, like SamP and *Tg. Onq. לאשראה*, contained **לשכן** in both those places, while in 12:26, where MT has an abbreviated Deuteronomical formula (**ובאת אל המקום אשר יבחר ה'**), LXX has a fuller one with *ἐπικληθῆναι* (*ὁ θεός σου ἐπικληθῆναι τὸ ὄνομα αὐτοῦ ἐκεῖ* = **שם** **לשכן שמו שם**) – all of which provides further support for Zakovitch’s argument that an editor replaced **לשכן** by **לשום**. On all the various issues in LXX to v. 5, compare Cécile DOGNIEZ and Marguerite HARL, *La Bible D’Alexandrie: Le Deutéronome* (Cerf: Paris, 1992), 194; John W. WEVERS, *Notes on the Greek Text of Deuteronomy* (Atlanta: Scholars Press, 1995), 209.

¹¹ EHRLICH explains the expression **לשכן שמו שם** ... **אל המקום** as the counterpart to Deut 18:11, **דרש אל המתים** (Mikra Kifshuto, 1:329).

¹² The expression **משלח ידכם** denotes here the result of work, the yield (EHRLICH, *Randglossen*, 2:285; see also Edward GREENSTEIN, “Trans-Semitic Idiomatic Equivalency and the Derivation of Hebrew *ml'kh*,” *UF* 11 [1979]: 329–36), and the clause **אשר ברכך ה' אלהיך** refers back to it as a relative clause (EHRLICH, *Mikra Kifshuto*, 1:329). NIELSEN takes **אשר ברכך ה' אלהיך** to qualify the joy, **ושמחתם**, in which case he might do better to understand it as a motive clause; either way, it seems unnecessary to identify it as a “(later) dogmatic correction” (Deuteronomium, 139).

¹³ Noted and developed, e.g., by BERTHOLET, *Deuteronomium*, 38; ROFÉ, “Strata of the Law.” Bertholet aligns each one with a different segment of the preceding passages of D: 12:2–7, with its introduction in 11:31–12:1, follows 5:1–30, whereas 12:8–12 follows 4:44 (Deuteronomium, 38). ROFÉ links them up with other sections within chapter 12, as follows: 11:31–12:7 continues in 12:20–28 and 12:8–12 continues in vv. 13–19 (Introduction to Deuteronomy: Part I and Further Chapters [2nd ed.; Jerusalem: Akademon, 1988; orig. pub. 1975] [Hebrew], 14–18; unfortunately this particularly insightful, thought-provoking chapter was not translated into English and included in *Deuteronomy: Issues and Interpretation*). Thomas C. RÖMER coordinates all the different stages in the development of the text with successive

at a single site in internal terms, as a matter of the history of Israel's own specific circumstances and religious practice, a relative matter of contingent religious expression, sliding along a rule from "okay for now" to "ideally when possible." Nationwide pilgrimage to one specific location exposes the land to attack. Therefore, Israel cannot restrict cultic worship to a single site until it achieves territorial security.¹⁴ Such an idea, it should be pointed out, cannot explain the charge leveled in it of "each doing what is right in his own eyes" *in the wilderness period* and reveals the allegorical nature of the argument, meant for a later time, for people long in the land. Within biblical literature, the idea also sets up the historiographical rubric by which David works to attain territorial security and Solomon then builds the temple, but fails to promote its exclusive status, leaving it for Hezekiah to attempt and for Josiah fully to implement.¹⁵ Without the contrast to the Canaanite "other," the law does

editions of the Deuteronomistic History (The So-Called Deuteronomistic History: A Sociological, Historical and Literary Introduction [London: T&T Clark, 2005; repr. 2009], 56–65).

¹⁴ Ibn Ezra aligns the terms in v. 9 with the conditions in v. 10 as an alternating pair of lemmas and their elaboration: the condition *מכל איביכם מסביב* elaborates the term *מנוחה* and the condition *בטח וישבתם* elaborates *נחלה*. Compare NIELSEN, Deuteronomium, 139.

¹⁵ E.g., TIGAY, Deuteronomy, 122–23. Note, however, that in 1 Kgs 5:16–19, Solomon does not talk about the feasibility of worshipping at a single temple but about the practicalities of building one: David, due to all his warring, had not the time or opportunity to build the temple; only to Solomon did Yahweh grant complete rest such that he might turn to temple building (a wordplay on Solomon's name, "peace," made explicit in 1 Chr 22:9). Compare, e.g., LEVINSON, Deuteronomy, 40–41, 44–45. Notably, the story of David's intention to build a temple in 2 Sam 7:1–16 works out neither logic. According to it, David achieves security but Yahweh simply does not want a temple – tent and tabernacle continue to suit him fine; nevertheless, David's consideration earns him a perpetual dynasty (a wordplay on בית). V. 13 there, in which Yahweh says David's son shall build him a temple, offers no rationale, cuts completely against what Yahweh had just said, has no echo in David's thankful reply in vv. 17–29 (or, for that matter, in Ps 89), and ends in a resumptive repetition – all of which points it up as a secondary insertion intended to lay the groundwork for Solomon to build the temple in 1 Kgs 5–8. This fuller, incoherent version of 2 Sam 7:1–17, repeated in 1 Chr 17:1–15, led to the reconceptualization of the rationale provided by Solomon in 1 Kgs 5:16–19: in 1 Chr 22:5–11, David charges Solomon with building Yahweh a temple and explains that because of all his wars his hands had too much blood on them, so that Yahweh disallowed him from building a temple. Permission and decorum, if not firm ritual principles as well – all a matter of will – have replaced logistics and practicality. In an even larger discrepancy, the state of rest achieved in Josh 21:41–43; 23:1 has no temple on the horizon. The speeches it yields, 22:1–6 and 23:16, mimic Moses and concern only exclusive devotion to Yahweh; note already DILLMANN, Numeri, Deuteronomium und Josua, 296–97. On the texts in Josh and Sam, compare ROFÉ, "Strata of the Law," 99. NIELSEN elegantly draws attention to the way the expression about religious arbitrariness in Deut 12:8 echoes in Judg 17:6; 18:1; 19:1; 21:25 with respect to the social chaos depicted and so frames the entire period leading up to David's kingship (Deuteronomium, 139; see already DILLMANN, Numeri, Deuteronomium und Josua, 296). Similar to the notion of "rest," though, the notion of "arbitrariness" does not mean the

not provide a rationale for the imperative to concentrate cultic worship, even an implicit one, but rather takes it for granted as self-evident.

לא תעשון ככל אשר אנחנו עשים פה היום איש כל הישר בעיניו כי לא באתם עד עתה אל המנוחה ואל הנחלה אשר ה' אלהיך נתן לך ועברתם את הירדן וישבתם בארץ אשר ה' אלהיכם מנחיל אתכם והניח לכם מכל איביכם מסביב וישבתם בטח והיה המקום אשר יבחר ה' אלהיכם בו לשכן שמו שם שמה תביאו את כל אשר אנכי מצוה אתכם עלהיכם וזבחיכם מעשרתיכם ותרמת ירכם וכל מבחר נדריכם אשר תדרו לה' ושמתם לפני ה' אלהיכם אתם ובניכם ובנותיכם ועבדיכם ואמהתיכם והלוי אשר בשעריכם כי אין לו חלק ונחלה אתכם

You shall not do like anything that we do here today, each one as he sees fit, because you have not yet come to the secure estate that Yahweh your god is giving you. Rather, when you cross the Jordan and settle in the land that Yahweh your god is bequeathing you and he gives you security from all the enemies around you so that you dwell securely, then the place that Yahweh your god will choose there to establish his name – there shall you bring all that I am commanding you, your whole-burnt offerings and consumable offerings, your tithes and tributes, and the entire array of pledges that you will pledge to Yahweh, and you shall rejoice before Yahweh your god, you and your sons and your daughters and your slaves and your maidservants, together with the Levite in your towns because he has no parcel or estate with you.

The different styles of the two paragraphs match the divergent conceptions contained within them. The first, absolutist paragraph speaks in an authoritative tone of command ... ונתצתם ... ושברתם ... תשרפון ... תגדעון ואברתם. The root *אבד* frames a series of terms for violent destruction – *גדע*, *שרף*, *שב*, *נתן* – while the object of *אבד* itself shifts from *מקום* to *שם* in a way that highlights the two as a pair, as a single concept. These Canaanite gods shall not have their names at all these sites or at any of them; only Yahweh will have his name at a site, at the one of his choosing: המקום אשר שם שמו שם. The second paragraph, by contrast, begins with an absolute formulation, לא תעשון, but shifts immediately into a modulated rhetoric and sustains that modulated tone: *as* we have been doing, *because* of our present circumstances, which do not allow otherwise: ככל אשר אנחנו עשים פה היום, איש כל הישר בעיניו, כי לא באתם עד עתה אל המנוחה ואל הנחלה. The string of verbs subordinated to the temporal modality of the verb *ועברתם* that launches the description of Yahweh's will effectively delays the revelation of that will and the requirement to implement it.¹⁷

same thing in both instances: whereas in Deut 12:8 the expression does not connote an objective evil, in Judg it does (compare EHRlich, Mikra Kifshuto, 1:329).

¹⁶ Compare DILLMANN, Numeri, Deuteronomium und Josua, 294.

¹⁷ On the syntactical structure of vv. 10–11, see already Rashi. For the use of *wēqāṭal* in both the protasis and apodosis of conditional sentences, see Gesenius' Hebrew Grammar [= GKC] (ed. E. Kautzsch; rev. A. E. Cowley, 2nd ed.; London: Oxford University Press, 1910; repr. 1974), §§112kk, 159g; Heinrich EWALD, Syntax of the Hebrew Language of the Old Testament (trans. J. Kennedy; Edinburgh: T&T Clark, 1879), §§355–357b, esp. §357a; also Paul JOÜON, A Grammar of Biblical Hebrew [= JM] (trans. and rev. T. Muraoka; 2 vols.; Rome: Pontifical Biblical Institute, 1991; repr. 1996), §167g. In this instance, the apodosis

ועברתם את הירדן, וישבתם בארץ אשר ה' אלהיכם מנחיל אתכם, והניח לכם מכל איביכם מסביב וישבתם בטח, והיה המקום אשר יבחר ה' אלהיכם בו לשכן שמו שם – שמה תביאו את כל אשר אנכי מצוה אתכם

When you cross the Jordan, and settle in the land that Yahweh your god is bequeathing you, and he gives you security from all the enemies around you such that you dwell securely, then the place that Yahweh your god will choose there to establish his name – there shall you bring all that I command you.

For the author to achieve his aim, it behooves him to strike this equivocal chord, since the law does not indict Israel's alter-ego, the Canaanite "other," but rather implicates the Israelites themselves – Moses included (note v. 8: **אנחנו**) – or rather members of the real intended audience of the author's own time for their current patterns of cultic behavior.

One clause shared by the two mutually exclusive forms of the command to restrict the cult encapsulates the fundamental gap that divides them, the statement **לא תעשון**. It occurs at different points in each paragraph and functions in the discourse around it in alternate ways, to varying effect.¹⁸

Deuteronomy 12:2–4

אבד תאבדון את כל המקמות אשר עברו שם הגוים אשר אתם ירשים אתם את אלהיהם, על ההרים הרמים ועל הגבעות ותחת כל עץ רענן, ונתצתם את מזבחתם ושבחתם את מצבתם ואשריהם תשרפון באש ופסילי אלהיהם תגרעון ואבדתם את שמם מן המקום ההוא. **לא תעשון** כן לה' אלהיכם, כי אם ...

Deuteronomy 12:8–10

לא תעשון ככל אשר אנחנו עשים פה היום, איש כל הישר בעיניו, כי לא באתם ער עשה אל המנוחה ואל הנחלה אשר ה' אלהיך נתן לך. ועברתם את הירדן וישבתם בארץ אשר ה' אלהיכם מנחיל אתכם והניח לכם מכל איביכם מסביב וישבתם בטח

After the series of direct commands, "Destroy ... demolish ... smash ... incinerate ... hack to bits ... eradicate," the first iteration concludes, **לא תעשון**, "you shall not do so" – referring to the Canaanites and the preceding description of what they do or have done – "but rather" – it then pivots and goes on – as suits the one true God (vv. 4–5a). The second iteration begins with precisely those same words that, in the first iteration,

begins with a *casus pendens*; see NIELSEN, Deuteronomium, 140. For this syntax, in which *casus pendens* begins with the verb היה in *wēqātal* form, moves to the subject, then qualifies the subject by a subordinate clause, and the subject resumes with the emphatic adverb "there" (שם) followed by the predicate with a verb in *yiqtōl* form, see Jer 42:9–16 (where it likewise comes after a subordinate clause); Ezek 47:21–23 (where the focus likewise is on a place):

Deut 12:11	היה המקום אשר יבחר ה' אלהיכם בו לשכן שמו שם – שמה תביאו את כל אשר אנכי מצוה אתכם
Jer 42:16	ודתה תרחב אשר אתם יראים ממנה – שם תשית אתכם, בארץ מצרים
Ezek 47:23	ודיה בשכט אשר גר הגר אתו – שם תתנו נחלתו

¹⁸ Compare LEVINSON, Deuteronomy, 44.

shifted the discourse from what Yahweh prohibited to what he demanded, ככל אשר אנחנו עשים פה היום איש כל הישר, **לא תעשון**, but then it diverges, **לא תעשון**, going forward into a description of Israel's own particular and changing circumstances.

The subsequent parts of the two passages concentrating cultic worship all parallel each other. Phrase by phrase, in sequence, they both enunciate the concept of "the place (to be) chosen by Yahweh" where he will "establish his name"; stress שמה, "there," shall Israel bring its offerings; list the varieties of those offerings; mark the joy that should characterize the feasting there; and conclude with the magnanimity that should extend to the entire household and even beyond:

Deuteronomy 12:5–7

כי אם אל המקום אשר יבחר ה' אלהיכם מכל שבטים לשום את שמו שם לשכנו תדרשו, **ובאתם** שמה וזבחתם שמה עלתיכם וזבחיכם ואת מעשרתיכם ואת תרומת ידכם ונדריכם ונדבחיכם ובכרת בקרכם וצאנכם, ואכלתם שם לפני ה' אלהיכם ושנתתם בכל משלה ידכם – אתם ובתיכם – אשר ברכך ה' אלהיך.

Deuteronomy 12:11–12

היה המקום אשר יבחר ה' אלהיכם בו לשכן שמו שם – שמה תביאו את כל אשר אנכי מצוה אתכם: עלתיכם וזבחיכם מעשרתיכם ותרומת ידכם וכל מבחר נדריכם אשר תדרו לה', ושנתתם לפני ה' אלהיכם – אתם ובניכם ובנותיכם ועבדיכם ואמהותיכם והלוי אשר בשעריכם כי אין לו חלק ועזרה אתכם

The paragraph in Deut 12:13–19 that follows these two iterations of the core command to concentrate all cultic worship at a single location has the following structure and flow: encased in a rhetorical clause of the warning לה' followed by a second-person singular verb, first it focuses on the whole-burnt offering to insist that in all cases the Israelite bring it to the one legitimate place (vv. 13–14). This opening command lays the groundwork for the distinction that follows, between two kinds of consumable slaughter, a kind allowable at home, in which the blood, uncollected, untreated, not manipulated along sacred and significant lines, simply spills onto the dusty ground to seep aimlessly and harmlessly into the earth (vv. 15–16), and another, sacred kind – all the offerings the Israelite must still bring to the chosen site (vv. 17–18a).¹⁹ The paragraph concludes by stressing the joy and generosity that must characterize the temple visit (v. 18b).

השמר לך פן תעלה עלתיך בכל מקום אשר תראה כי אם במקום אשר יבחר ה' באחד שבטיך – שם תעלה עלתיך ושם תעשה כל אשר אנכי מצוה.

רק בכל אות נפשך תזבח ואכלת בשר כברכת ה' אלהיך אשר נתן לך בכל שעריך.

¹⁹ Contrast DRIVER, who says about vv. 13–14: "The injunction is repeated, with special reference to the burnt-offering, as though the temptation to this ... at other places might be peculiarly strong" (Deuteronomy, 145).

הטמא והטהור יאכלנו, כצבי וכאיל.
רק הדרם לא תאכלו; על הארץ תשפכנו כמים.
לא תוכל לאכל בשעריך מעשר דגןך ותירשך ויצהרך ובכרת בקרך וצאנך
וכל נרריך אשר חדר ונרבתיך ותרומת ירך,
כי אם לפני ה' אלהיך תאכלנו, במקום אשר יבחר ה' אלהיך בו –
אתה ובנך ובתך ועבדך ואמתך והלוי אשר בשעריך.
ושמחת לפני ה' אלהיך בכל משלת ירך.
השמר לך פן תעזב את הלוי כל ימך על ארמתך

Take care, lest you offer your whole-burnt offering wherever you look.²⁰
Instead, at the place that Yahweh will choose in one of your tribes –
there shall you offer your whole-burnt offerings and there shall you do all that I am commanding you.

However, to your heart's desire may you slaughter and eat meat –
according to the blessing of Yahweh your god that he gave you – in all your towns.
The impure and the pure may eat it, like the gazelle and the deer.
However, the blood you may not eat. On the ground must you dump it, like water.

You may not eat in your towns the tithe of your grain, wine, and oil, or the firstborn of your cattle and sheep, or any of the pledges you may make, or your presents, or your tributes.
Rather, before Yahweh your god shall you eat it, in the place that Yahweh your god will choose –
you, your son, your daughter, your slave, your maidservant, and the Levite in your towns –
and you shall rejoice before Yahweh your god with all your produce.
Take care, lest you abandon the Levite – all the days upon your land.

Like the pair of paragraphs in vv. 2–7, 8–12 that precedes it, this one too concludes by mentioning Yahweh's chosen place, the joy of feasting there, and the complete family and needy others who should take part in the festivities. Admittedly, in this paragraph, which first discusses a variety of laws, the repeated section constitutes less of a climax and more of a conclusion that rounds out the picture by filling in additional details.²¹

The third section, in vv. 20–28, opens by treating a new circumstance, the expansion of Israel's borders. For the purposes of the argument made in this

²⁰ EHRlich richly suggests that the term ר"א here conveys the sense of choice, as in Gen 22:8 (Mikra Kifshuto, 1:330).

²¹ SEITZ identifies an impressive structure to vv. 13–19, in which a series of key framing clauses repeats itself in inverse order: (a) v. 13: השמר לך פן; (b) v. 14: כי אם במקום; (c) v. 15: רק; (c) v. 16: רק; (b) v. 18: במקום ... כי אם; (a) v. 19: פן השמר לך (Redaktionsgeschichtliche Studien, 211). In context, however, within the running discourse, the contents connected with each of these clauses do not correlate quite so neatly with each other, nor for that matter do the clauses themselves, which reduces the structure to a matter of dislodged form. ROFÉ cites a student of his from 1974 who recognized an alternate structure, in which pairs of positive and negative commandments alternate: (a) vv. 13–14: prohibition and obligation; (b) vv. 15–16: obligation and prohibition; (c) vv. 17–18: prohibition and obligation (Introduction to Deuteronomy, 14). But they cannot meaningfully incorporate v. 19. Moreover, it remains unclear what such a structure means to accomplish or articulate, what significance to attribute to it. See further below.

study, critical analysis may be said properly to begin here. The first two verses contain syntactical ambiguities, obscure references, repetitiveness, and assorted other difficulties. The many multivalent particles and verbal forms joining the many clauses into a long opening string befuddle the clear sense with which one would like simply to identify protasis, apodosis, and motive clause.²²

כי ירחיב ה' אלהיך את גבולך
כאשר דבר לך
ואמרת אכלה בשר
כי תאוה נפשך לאכל בשר
בכל אות נפשך תאכל בשר
כי ירחק ממך המקום אשר יבחר ה' אלהיך לשום שמו שם
וזבחת מבקרך ומצאנך אשר נתן ה' לך
כאשר צויתך
ואכלת בשעריך בכל אות נפשך

The elegant structure that can make reasonable syntactical sense of the passage has yet to come to light. One can, however, recommend resolving the string into two separate, parallel opening statements, each of which discusses those who live far from the one chosen site.

Deuteronomy 12:20

כי ירחיב ה' אלהיך את גבולך כאשר דבר לך
ואמרת אכלה בשר כי תאוה נפשך לאכל
בשר –
בכל אות נפשך תאכל בשר

Should Yahweh your god expand your border just as he had said to you, and you say to yourself, "I would eat meat," because your heart craves to eat meat, and because your heart's desire may you eat meat.

Deuteronomy 12:21

כי ירחק ממך המקום אשר יבחר ה' אלהיך לשום שמו שם –
וזבחת מבקרך ומצאנך אשר נתן ה' לך כאשר צויתך
ואכלת בשעריך בכל אות נפשך

Should the place Yahweh your god will choose there to put his name be too far from you, you may slaughter from your cattle and from your sheep that Yahweh has given you as I have instructed you and eat in your town to all your heart's desire.

Before hastily dismissing this repetition as either some kind of a stylistic choice or a double version, one should recognize and consider the fact that vv. 20–28 also contain two conclusions, one in v. 25 and another in v. 28. Under-scoring the redundancy between them, the second half of v. 28 does nothing more than repeat the conclusion in v. 25.

²² In clause order: formally, ה' תאוה כי could open a motive clause or mark a second, asyndetic protasis (so LXX: ἐὰν ἐπιθυμῆσθε); כי ירחק could offer a motive clause or begin a new case (LXX: ἐὰν δὲ μακρότερον); וזבחת could open the apodosis of a preceding protasis either in כי ירחק or back in תאוה, כי, continue the case begun in כי ירחק, or continue the apodosis begun in אות, בכל; ואכלת could either open an apodosis or continue a preceding one. Translations of this passage and its different parts will appear below.

Deuteronomy 12:25

לא תאכלנו
למען ייטב לך ולבניך אחרריך
כי תעשה הישר בעיני ה'

Do not eat it

*so that it will go well with you
and with your children after you
when you do what is right
in the eyes of Yahweh.*

The presence of two parallel openings and two parallel conclusions suggests the presence within vv. 20–28 of two separate bodies as well. Because the two conclusions do not appear together, one right after the other, the way the two openings do, but several verses apart, presumably, each one of them stands together with its respective body, namely, each one closes the section immediately preceding it, so that v. 25b closes the section that begins in v. 22, and v. 28 concludes vv. 26–27.

Deuteronomy 12:22–25

אך כאשר יאכל את הצבי ואת האיל כן תאכלנו
הטמא והטהור יחדו יאכלנו
רק חזק לבלתי אכל הדם
כי הדם הוא הנפש ולא תאכל הנפש עם הבשר
לא תאכלנו על הארץ תשפכנו כמים
לא תאכלנו למען ייטב לך ולבניך אחרריך
כי תעשה הישר בעיני ה'

Indeed, as the deer and the ram are eaten,
so shall you eat it,
together shall the impure and the pure
eat it.

However, hold fast against eating the blood,
because the blood is the life-essence
and you may not eat the life-essence
with the meat.

Do not eat it! On the ground shall you dump
it, like water.

Do not eat it!

*So that it will go well with you
and with your children after you
when you do what is right
in the eyes of Yahweh.*

Deuteronomy 12:28

שמר ושמעת²³ את כל הדברים האלה אשר אנכי מצוך
למען ייטב לך ולבניך אחרריך עד עולם
כי תעשה הטוב והישר בעיני ה' אלהיך

Listen carefully to these things

that I am commanding you,
*so that it will go well with you
and with your children after you forever
when you do what is good and right
in the eyes of Yahweh your god.*

Deuteronomy 12:26–28

רק קרשיך אשר יהיו לך ונרריך תשא
ובאת אל המקום אשר יבחר ה'
תעשה עלתך – הבשר והדם – על מזבח ה' אלהיך
ודם זבחיך ישפך
שמר ושמעת את כל הדברים האלה אשר אנכי מצוך
למען ייטב לך ולבניך אחרריך עד עולם
כי תעשה הטוב והישר בעיני ה' אלהיך

However, the holy offerings that (still) will be
upon

you and your pledges you shall (still) carry
and go to the place that Yahweh will choose,
and you shall do your whole-burnt offerings –
the meat *and* the blood –

upon the altar of Yahweh your god,
while the blood of your consumable
offerings

shall be poured out.

Listen carefully to these things
that I am commanding you,

*so that it will go well with you
and with your children after you forever
when you do what is good and right
in the eyes of Yahweh your god.*

Moving from formal aspects to substance, it comes to the fore that these two passages treat two distinct topics. The first one concerns the meat one now may consume at home. It elaborates the full extent (אך) of its complete lack of sanctity and delimits (רק) the state of the meat or what is meant by the term “meat,” namely, meat drained of its blood, since the blood remains off-limits. The second passage picks up a different thread, restricting (רק) the category of meat that one may eat at home: one must still bring all whole-burnt and votive offerings to the one legitimate altar.

One can correlate these two separate passages, the one about meat and blood in vv. 22–25, the other about local secular consumption as opposed to sacred consumption at the one sacred site in vv. 26–28, with the two parallel openings in vv. 20 and 21. When looked at with the two passages in mind, each opening lays the specific groundwork for one or the other of the two topics. Moreover, each one of the openings clearly stands at the head of the appropriate body as its original first section. The one in v. 20 establishes the focus on the “craving” (אוי”ה נפש) for “eating meat” (אכ”ל בשר) that generates the various provisions of the law in vv. 22–25 and the terms featured in it. In the other opening, in v. 21, though still against the background of “craving to eat meat,” the focus shifts to highlight the categorical matters emphasized in vv. 26–28.

Deuteronomy 12:20, 22–25

כי ירחיב ה' אלהיך את גבולך כאשר דבר לך
ואמרת אכלה בשר כי תאודה נפשך לאכל
בשר –

בכל אות נפשך תאכל בשר

אך כאשר יאכל את הצבי ואת האיל כן תאכלנו
הטמא והטהור יחדו יאכלנו רק חזק לבלתי אכל
הדם כי הדם הוא הנפש ולא תאכל הנפש עם
הבשר

לא תאכלנו על הארץ תשפכנו כמים
לא תאכלנו למען ייטב לך ולבניך אחרריך כי
תעשה הישר בעיני ה'

Should Yahweh your god expand your border
just as he had said to you, and you say to
yourself, “I would eat meat,” because your
heart craves to eat meat,

to all your heart's desire may you eat meat.

Deuteronomy 12:21, 26–28

כי ירחק ממך המקום אשר יבחר ה' אלהיך לשום
שמו שם –

ונבחת מבקרך ומצאנך אשר נתן ה' לך כאשר
צויתך ואכלת בשעריך בכל אות נפשך

רק קרשיך אשר יהיו לך ונרריך תשא ובאת אל
המקום אשר יבחר ה' ועשית עלתך – הבשר והדם
– על מזבח ה' אלהיך ודם זבחיך ישפך

שמר ושמעת את כל הדברים האלה אשר אנכי
מצוך למען ייטב לך ולבניך אחרריך עד עולם
כי תעשה הטוב והישר בעיני ה' אלהיך

Should the place Yahweh your god will choose
there to put his name be too far from you,

*you may slaughter from your cattle and from
your sheep that Yahweh has given you as I
have instructed you and eat in your town to all
your heart's desire.*

²³ EHRLICH suspects the phrase originally read: שמע ושמרת (Randglossen, 2:287). Usage throughout D supports his intuition.

Deuteronomy 12:20, 22–25

Indeed, as the deer and the ram *are eaten*, so *shall you eat it*, together shall the impure and the pure *eat it*. However, *hold fast against eating* the blood, because the blood is the life-essence and *you may not eat* the life-essence with the meat.

Do not eat it! On the ground shall you dump it, like water.

Do not eat it! So that it will go well with you and with your children after you when you do what is right in the eyes of Yahweh.

Deuteronomy 12:21, 26–28

However, *the holy offerings* that (still) will be upon you and *your pledges* you shall (still) carry and go to the place that Yahweh will choose, and you shall do *your whole-burnt offerings* – the meat and the blood – upon the altar of Yahweh your god, while the blood of *your consumable offerings* shall be poured out.

Listen carefully to these things that I am commanding you, so that it will go well with you and with your children after you forever when you do what is good and right in the eyes of Yahweh your god.

Note how the paragraph focused on the craving itself (vv. 20, 22–25), after detailing the full extent of the permission granted (v. 22), feels it warranted to introduce the restriction on blood still in force (vv. 23–24), by invoking to emphatic effect the corresponding expression of self-control, חזק (v. 23), and to provide a negative formulation in each one of its sentences, ... לבלתי אכל ... לא האכלנו ... לא האכלנו, first categorically, a second time to offer an explanation, a third time to provide an alternative action, and a fourth and final time to conclude with a benefit. In telling contrast, the paragraph concerned with demarcating categories of meals (vv. 21, 26–28), to introduce its exclusion, does not perceive a need for the extra call for resolve (v. 26).²⁴

To sum up the findings of this largely surface analysis, an editor has done a highly unusual job of splicing together two complete legal passages, each of which covers a distinct aspect of the concentration of cultic worship at a single site. The product implies that the editor found the two legal paragraphs intimately related in some essential respects, but naggingly misaligned in others, and spliced them together as a way to blend them such that the distinctive characteristics of each apply to the other. Even if unintended, surely the final product has this blurred effect.

What, then, do the two passages share and, within that shared framework, what sets them jarringly at odds with each other? Moreover, what relationship do they bear to the preceding section, in vv. 13–19, which covers all the topics treated in them, and does so more smoothly? The solutions suggested below proceed by first treating the second problem, the relationship of the two paragraphs in vv. 20–28 to the preceding one in vv. 13–19, and then moving on to analyze the composite, conflated paragraph in vv. 20–28.

²⁴ L. HORST indicated the presence of two legal paragraphs within vv. 20–28, but, overlooking the specific terms of the law and instinctively expecting a model by which an interpolator inserts one text into another *en bloc*, he divided them as vv. 20, 24–27 and vv. 21–23, and saw vv. 21–23 as originally following vv. 3–7 (“Étude sur le Deutéronome,” *Revue de l'histoire des religions* 16 [1887]: 28–65, here 53–56).

Several indications together lead to the likelihood that the paragraph in vv. 13–19 represents the latest composition of the bunch, rather than the earliest, as commonly posited.²⁵ From the logical point of view, if the smoother paragraph has already established the concept of local, nonsacred slaughter and consumption of meat and has *not* limited the concept to faraway locales, but rather establishes blanket applicability, רק בכל אות נפשך חזבח ואכלת בשר (v. 13), then what need would exist for an amendment that extends this allowance to newly conquered territories, כי ירחיב ה' אלהיך את ... בכל שערך (v. 13), or to those living at a prohibitive distance, ... כי ירחק ממך המקום אשר יבחר ה' אלהיך לשום שמו שם וזבחת ... בשערך בכל אות נפשך (v. 21)? Logically, the order should proceed in the reverse: First, distance from the one sacred site generates the provision for local, secular slaughter and consumption; then, the provision extends even to those who enjoy proximity.

From the rhetorical point of view, the smoother paragraph, vv. 13–19, discusses the rules for eating meat at home rather cursorily in a matter-of-fact tone, straightforwardly listing one after the other: השמא והשהור יאכלנו כצבי (vv. 15b–16). By contrast, as indicated above, the paragraph in vv. 20, 22–25 speaks expansively and passionately. Nearly every clause is cast in an emphatic form (כך ... כאשר ... לא האכלנו, and the paragraph features a structural contrast that balances the permissive opening (ואכלת בשערך בכל) with the fourfold repetition of prohibitive language in the verses that follow (ולא האכל, לא האכלנו, לא האכלנו, לא האכלנו).

ואכלת בשערך בכל אות נפשך
אך כאשר יאכל את הצבי ואת האיל כן האכלנו
השמא והשהור יחדו יאכלנו
רק חזק לבלתי אכל הדרם
כי הדרם הוא הנפש ולא האכל הנפש עם הבשר
לא האכלנו על הארץ תשפכנו כמים
לא האכלנו למען ייטב לך ולבניך אחרך

²⁵ E.g., Gerhard VON RAD, *Deuteronomy: A Commentary* (trans. D. Barton; OTL; Philadelphia: Westminster, 1966), 92–93. ROFÉ does not view vv. 13–19 as the earliest of all the different paragraphs, but he does lay out an argument that it precedes vv. 20–28 (Introduction to Deuteronomy, 14–18).

²⁶ Formulating the sentence as a passive verb followed by the affected objects (or by the grammatical subjects) with the direct object marker has the effect of delaying the completion of the comparison; the abrupt way the comparison then concludes gives it added punch. On the phenomenon of the passive followed by the accusative marker, see GKC, §121a–b; Carl BROCKELMANN, *Hebräische Syntax* (Neukirchen-Vluyn: Neukirchener, 2004; orig. pub. 1956), §§35d, 99b; Chaim RABIN, *Syntax of Biblical Hebrew* (ed. S. Shkolnikov; Jerusalem: Akademon, 1974) [Hebrew], 43–44; JM §128b.

Given that the innovation of local, secular slaughter and consumption overturns hoary norm and hallowed lore, stress should characterize the earlier composition and nonchalance the later one.

From the point of view of topical flow, the order of the paragraph in vv. 13–19 begins with the whole-burnt offering, then follows closely the order of vv. 20–28 combined.

Deuteronomy 12:13–19

רק בכל אות נפשך טובה ואכלת בשר (15a)
 כברכת ה' אלהיך אשר נתן לך (15b)
 בכל שעריך²⁷ (15b)
 השמא והטהור יאכלנו
 כצבי וכאיל (15c)
 רק הדם לא תאכלו
 על הארץ תשפכנו כמים (16)
 לא תוכל לאכל בשעריך מעשר דגן ותירוש ויצהוד
 ובכרת בקרך וצאנך וכל נדריך אשר חדר ונדבחקך
 ותירומת ידך כי אם לפני ה' אלהיך תאכלנו
 במקום אשר יבחר ה' אלהיך בו (17–18)

Deuteronomy 12:20–28

בכל אות נפשך תאכל בשר (20)
 וזבחת מבקרך ומצאנך אשר נתן לך (21a)
 ואכלת בשעריך בכל אות נפשך (21b)
 אך כאשר יאכל את הצבי ואת האיל כן תאכלנו
 השמא והטהור יחדו יאכלנו (22)
 רק חזק לבלתי אכל הדם ... (23)
 לא תאכלנו על הארץ תשפכנו כמים ... (24–25)
 רק קרשך אשר יהיו לך ונדריך תשא ובאת
 אל המקום אשר יבחר ה' (26)

The sequential correspondences, together with the smoother style and flatter tone, indicate that the author of the passage worked against a combined version of vv. 20–28.²⁸

Moreover, not only do vv. 15–18 incorporate elements of the two paragraphs in vv. 20–28 in their combined sequence; all the verses in vv. 13–19 excerpt from the preceding paragraphs in 11:31–12:12 as well. In fact, just about every element in the entire passage exists in at least one of the other paragraphs in Deut 12 that treat the idea of restricting the cult to a single location.

Deuteronomy 12:13–19

השמך לך פן תעלה עלהך בכל מקום אשר תראה (13)
 כי אם במקום אשר יבחר ה' באחד שבטיך (14a)
 שם תעלה עלהך ושם תעשה כל אשר אנכי מצוך ... (14b)
 לא תוכל לאכל בשעריך מעשר דגן ותירוש

Deuteronomy 11:31–12:12

כל המקומות (2), איש כל הישר בעיניו (8)
 כי אם אל המקום אשר יבחר ה' אלהיכם מכל שבטיכם (5)
 והבאתם שמה עלהיכם (6), שמה חביאו את כל עלהיכם (11) – עלהיכם (11)
 וזבחתם ואת מעשרתיכם ואת תרומת ידכם ונדריכם

²⁷ In fact, the complement *שעריך בכל* qualifies the main clause, *ואכלת בשר*, which the comparison with v. 21, *ואכלת בשעריך*, makes clear. EHRlich uncovers an elegant structure in which *שעריך בכל* qualifies *ואכלת בשר* and *חובת בכל* qualifies *שעריך בכל* but the sequence goes: *qualifier - verb - verb - qualifier* (Randglossen, 2:286).

²⁸ Additionally, note the relocation of the verb *יבחר* from v. 21 to the reused form of v. 20 in v. 15a. See also “Seidel’s law,” namely, the inverted citation, at work in v. 15c vis-à-vis v. 22.

Deuteronomy 12:13–19

ויצהוד ובכרת בקרך וצאנך וכל נדריך אשר חדר
 ונדבחקך ותירומת ידך (17)

כי אם לפני ה' אלהיך תאכלנו (18a)

במקום אשר יבחר ה' אלהיך בו (18b)

אתה ובנך ובתך ועבדך ואמתך והלוי
 אשר בשעריך (18c)

ושמחת לפני ה' אלהיך בכל משלה ידך (18d)

השמך לך פן תעזב את הלוי כל ימך על
 אדנותך (19)

Deuteronomy 11:31–12:12

וזבחתם ובכרת בקרכם וצאנכם (6), וחובתכם
 מעשרתיכם ותירומת ידכם וכל מבחר נדריכם
 אשר חדרו לה' (11)

ואכלתם שם לפני ה' אלהיכם (7)

והיה המקום אשר יבחר ה' אלהיכם בו (11)

אתם ובניכם ובנותיכם ועבדיכם ואמהתיכם והלוי
 אשר בשעריכם (12)

ושמחתם בכל משלה ידכם (7), ושמחתם לפני ה'
 אלהיכם (12)

והלוי אשר בשעריכם כי אין לו חלק ועזלה
 אחכם (12)

It is precisely this characteristic of wholesale borrowing in vv. 13–19, indeed of nearly a complete lack of any genuine literary individuality, that points the passage up as a pastiche – by definition a derivative form of composition.

Moreover, another, subtle feature of the paragraph, which does bring out the author’s hand, further suggests its conflation of disparate elements – the inconsistent usage in it of the term *רק*. The paragraph on craving meat (vv. 20, 22–25) had employed the term to qualify a general statement and restrict its applicability. First, the law had declared that one may consume one’s animal at home to one’s heart’s content (v. 20) and added an illustration of the explanation (v. 22). The law then went on to qualify – *רק* – that one may not in fact consume all parts of the animal (vv. 23–25). Likewise, the law clarifying categories (vv. 21, 26–28) first gave unrestricted permission – one may slaughter and eat at home (v. 21) – then clarified – *רק* – that there exist some categories of animal consumption that rule out a local setting (v. 26). Within vv. 13–19, one finds this qualifying usage where the paragraph has cited the law on craving meat (vv. 15–16). However, a different use of *רק* appears toward the beginning, in the transition from the law of the whole-burnt offering (vv. 13–14) to that of local consumption (vv. 15–16). In this instance, the law first treats a distinct category, the whole-burnt offering, declaring that one must take care to offer it only at the place of Yahweh’s choosing. The provision that follows, which begins with the word *רק*, does not qualify the law of the whole-burnt offering; rather, it turns to a new category, the consumable offering, and through the term *רק* establishes a contrast between the two: whereas the wholly burnt offering may only be slaughtered at the one site designated by Yahweh, consumables may be killed and consumed either at the holy site or at home. In short, whereas in vv. 15–16 (citing vv. 20–28) *רק* means a restrictive

“however,” in vv. 13–15 it means a categorical “by contrast.”²⁹ Significantly, beginning the paragraph with the law of the whole-burnt offering departs from the sequence of the other paragraphs and represents the contribution of the author (on the purpose of which see below), so that the distinctive use of *קָרַךְ* at this point effectively characterizes the terminology distinctive to the author.

Finally, from the point of view of editorial technique, the frame in vv. 13 and 19 constructed by the repetition of the direct address warning (*הַשְׁמַר לְךָ* *הַשְׁמַר לְךָ* *פֶּן תֵּעָזֵב* *הַשְׁמַר לְךָ* *פֶּן תֵּעָזֵב* ... *הַשְׁמַר לְךָ* *פֶּן תֵּעָזֵב*), which effectively marks off the entire paragraph, suits best an interruption rather than an introduction or an appendix.³⁰ Namely, the author inserted the paragraph into a Deuteronomic text in which 11:31–12:12 continued directly with 12:20–28.³¹

If the composition of the law in 12:13–19 presumes the existence of the paragraphs conflated in vv. 20–28, repeats their terms and details, but differs from them in allowing local, secular consumption of domesticated animals not just far from Yahweh’s one chosen site but anywhere and everywhere, even in close proximity to it, then it follows that its author composed it for this very purpose, namely, to extend the provision of secular slaughter for maximal applicability. And this inference offers a way to analyze the relationship between the laws conflated in vv. 20–28.

The two laws conflated in vv. 20–28 share in allowing local secular slaughter of domesticated animals. They also complement each other in quali-

²⁹ Compare Eliezer BEN YEHUDA, *A Complete Dictionary of Ancient and Modern Hebrew* (ed. H. Ben Yehuda, M. Z. Segal, and N. H. Tur-Sinai; 17 vols.; Tel Aviv: La’am Publishing House, 1948–1959), 14:6723–24, esp. 6723b–24a §2; Ludwig KOEHLER and Walter BAUMGARTNER, *The Hebrew and Aramaic Lexicon of the Old Testament: Study Edition* (ed. and trans. M. E. J. Richardson; 2 vols.; Leiden: Brill, 2001), 2:1286b–87a, esp. §2biii. Notably, LXX appears to have grasped this distinction between the two different uses of *קָרַךְ* and rendered them accordingly: *ἀλλά* in v. 15 and *πλήν* in v. 16 (contrast DOGNEZ and HARL, *Le Deutéronome*, 196; WEVERS, *Notes on the Greek Text of Deuteronomy*, 214; on the terms *ἀλλά* and *πλήν*, which do have some measure of overlap, see Henry G. LIDDELL and Robert SCOTT, *A Greek-English Lexicon* [rev. H. S. Jones and R. McKenzie; 9th ed.: Oxford: Clarendon, 1996], 67b–68a, 1419a; William F. ARNDT and F. Wilbur GINGRICH, *A Greek-English Lexicon of the New Testament and Other Early Christian Literature* [rev. and ed. F. W. Danker; Chicago: University of Chicago Press, 2000], 45, 826; also T. MURAOKA, *A Greek-English Lexicon of the Septuagint* [Leuven: Peeters, 2009], 26–27, 564).

³⁰ The 2nd sing. formulation of the passage, then, does not distinguish it from the passages in vv. 2–7 and vv. 8–12 as a third, independent, and possibly earliest version of the law; rather, it stems from its reliance upon and continuity with those in vv. 20–28. Contrast, for example, VON RAD, *Deuteronomy*, 92.

³¹ Compare LEVINSON, *Deuteronomy*, 25–27, who accepts the argument for artful, concentric arrangement of the legal paragraphs by a redactor. Concentric-looking designs, however, can result from successive insertions. For a pertinent example – Deut 16:1–8 – see Shimon BAR-ON, *Festival Legislation in the Torah* (Ph.D. diss., Hebrew University of Jerusalem, 1999) [Hebrew], 144–214, soon to appear in English, expanded and revised, in Shimon GESUNDHEIT, *Three Times a Year (FAT)* (Tübingen: Mohr Siebeck, forthcoming).

fyng that allowance. One sets the boundaries of meat consumption and blood manipulation. The other circumscribes the provision to exclude a variety of offerings. But on one particular aspect – who may engage in local, secular slaughter of domesticated animals – the two laws do ever so subtly disagree. According to the meat and blood law, in vv. 20, 22–25, only those who live in the newly expanded borders of Israel’s land may slaughter and eat at home, whereas in the law excluding holy offerings, in vv. 21, 26–28, *all* those who live “too far” from the one sacred site to trek up there every time they have a hankering for meat may do so.

Deuteronomy 12:20

כִּי יִרְחֹק מִמְּךָ הַמָּקוֹם
כֹּאשֶׁר דִּבַּר לְךָ

Deuteronomy 12:21

כִּי יִרְחֹק מִמְּךָ הַמָּקוֹם
אֲשֶׁר יִבְחַר ה' אֱלֹהֶיךָ לְשׁוֹם שְׁמוֹ שָׁם

Might this quiver in the strains of the law concentrating cultic worship have encouraged the editor to blend the two laws and turn their discord into harmony? Furthermore, might the dissonance suggest that the law excluding offerings, in vv. 21, 26–28, aimed to broaden the geographic bounds of the original provision allowing local slaughter, in vv. 20, 22–25? Finally, did the meat and blood provision, in vv. 20, 22–25, itself intend to amend the original law concentrating cultic worship, perhaps on precisely the inference from the version in vv. 8–12 that distance defers or supersedes the requirement to concentrate cultic worship?

To put the matter into more positive terms, the original law concentrating cultic worship – in *both* of the versions that appear together sequentially in Deut 11:31–12:12 – made no room for local slaughter of domesticated animals. As in Lev 17, all slaughter and consumption of domesticated animals must occur at Yahweh’s chosen site. For this reason, both versions of the core law of cultic concentration include, among the many types of gifts they list, a category called זִבְחִים, meat of domesticated animals enjoyed by the offerer and his party (vv. 6, 11).³²

The drastic restriction of all such dinners to a single site raises an insurmountable obstacle for those living too far away from that site. The Priestly literature does not so much as acknowledge the problem, let alone attempt to resolve it, except in one secondary passage, in Num 9:1–14, with regard to the Passover, and this stringent law, refusing to budge on the restricted character of the Passover performance, creates a make-up date one month later for its observance at the exclusive site and innovates the threat of כְּרַת for those who

³² Attested in all the versions, including 4QpaleoDeut^f frag. 17, l. 3 (above, n. 5). This argument contradicts the common assumption that the restriction of cultic sacrifice to a single site naturally and inherently requires the allowance of local secular slaughter; see, e.g., DRIVER, *Deuteronomy*, 145, 146.

would miss both dates.³³ In the Deuteronomic source, the paragraph in 12:20, 22–25 admits the problem of distance fully and amends the original law leniently, by shifting the slaughter of domesticated animals into the category of hunted animals to allow one to eat meat locally to one's heart's content.³⁴ Notably, this amendment to the original law does not employ the term זב"ח, which leaves the new phenomenon unmarked terminologically and drains the categorical term זב"ח of its substance. From the text itself one cannot know the underlying logic of linking the amendment to expanded geographical borders: It could reflect a corresponding historical event or situation. It could follow the allegorizing lead set by the original laws concentrating cultic worship in 11:31–12:12 and trope in restrictive terms a more expansive amendment. Or, like Deut 19:8, it could incorporate the idea, found in Exod 23:29–30 and 34:24, that Yahweh will give Israel its land gradually.³⁵

The paragraph in vv. 21, 26–28 represents the next stage. The law applies the provision of local slaughter to everyone living at a prohibitive distance from the one chosen site, regardless of any and all borderlines: כי ירחק ממך ... המקום, "If the place be too far for you...you may eat in your town."³⁶ It establishes with greater clarity and force the categorical distinctiveness of locally slaughtered and consumed domesticated animals, by employing the verb זב"ח for local slaughter and distinguishing such זב"ח activity from the categories of required קדשים and votive נדרים. Rhetorically, placing the newly reindexed verb זב"ח, along with its objects "cattle" and "sheep" formulated significantly in the partitive,³⁷ alongside the key clause "the place that Yahweh will choose there to put his name" displays a certain boldness in calling attention to the categorical and practical revolution that has taken

³³ Simeon CHAVEL, "The Second Passover, Pilgrimage and the Centralized Cult," HTR 101 (2009): 1–24. The Priestly passage in Lev 17:1–7 rails against sacrifice outside the tabernacle, declaring the practice invalid and threatening those who do it with כרת, which by analogical extension may have served as a precedent for the Passover in Num 9:1–14.

³⁴ Compare ROFÉ, who sees the issue of distance raised here and in 14:24; 19:8; 20:15; Exod 34:24; Num 9:10 as a mere rhetorical trope for legal innovation and qualification, specifically, for harmonizing conflicting legal traditions, in this instance, between Deut 12:8–19 and Lev 17 (Introduction to Deuteronomy, 16–17).

³⁵ The borders in Exod 23:31 match those in Gen 15:18–21, which raises the question as to whether the phrase "your fathers" in Deut 19:8 refers to the previous generation, namely, the one that left Egypt and crossed the wilderness, or to the patriarchs. Either way, Deut 12:20 "as he assured you" appears to consider the present generation as the immediate recipient of the promise. Indeed, it would be odd – self-defeating – for the Deuteronomic author to have Moses refer to the very speech (Exod 20:19–23:33; 24:3–8, 11c) that the Deuteronomic author has excluded from history. A harmonizing midrash identifies Deut 12:20 with Gen 15:18–21; see *Sifre Devarim* §75, *ad loc.* (in L. Finkelstein's edition [2nd ed.; New York: Jewish Theological Seminary of America, 1969], 139).

³⁶ The plural in בשעריך recommends translating more forcefully: "in any of your towns."

³⁷ See LEVINSON, Deuteronomy, 36–43.

place. In v. 27, which is formulated parenthetically and shifts the focus, the sacrificial sense of the term זבחים undercuts the use of זב"ח for nonsacrificial slaughter, and tends to mark v. 27 as an interpolation meant to return to זב"ח, at least to nominal זבחים, its significance as a category of sacrifice – unless the original author awkwardly attempted to have his זב"ח and eat it too.³⁸ The fact that the paragraph in vv. 13–19 draws so assiduously on all the other paragraphs, including the verb זב"ח for secular slaughter, yet does not list a sacrificial category called זבחים in the series of required and votive temple gifts and meals supports the source-critical solution over that of the single, over-ambitious draftsman.³⁹

Notably, the law in vv. 21, 26–28 makes explicit reference to its antecedent in vv. 20, 22–25:

כי ירחק ממך המקום אשר יבחר ה' אלהיך לשום שמו שם –
והבחת מבקרך ומצאנך אשר נתן ה' לך כאשר צויתך ואכלת בשעריך בכל אות נפשך

The apodosis does not issue a positive injunction and declare that one must slaughter as Moses commanded. Rather, it repeats the permission granted by the original amendment in vv. 20, 22–25 to slaughter locally, and the phrase כאשר צויתך refers obliquely to the conditions set by that amendment, namely, draining the blood on the ground like game. One should translate the verse:

Should the place that Yahweh your god chooses there to put his name be too far from you – you may slaughter from the sheep and cattle that Yahweh has given you as I have instructed you (namely, like game, draining the blood on the ground) and eat in your town to all your heart's desire⁴⁰

Again, from the text, it remains unclear whether the author saw the newly formulated amendment as expanding the geographic coordinates of the prior amendment or merely clarifying them. Either way, the hook, the link made by the reference to the provisions of the initial amendment, effectively contextualizes the new terminological scheme of this follow-up amendment as providing categorical clarity to the set of practices already detailed in the first.

³⁸ The emphasis on the proper, ritual manipulation of the blood seems designed to counterbalance the unceremonious dumping of it on the ground mandated in vv. 16, 23–24 (EHR-LICH, Mikra Kifshuto, 1:330).

³⁹ In this case, the interpolation of the verse at the very end of the string of paragraphs in ch. 12 as it appears now would serve to conclude the chapter the way it began, in vv. 6 and 11, and suggest that its absence in between is merely elliptical and insignificant. Contrast, e.g., STEUERNAGEL, who sees v. 27 as original and v. 28 as an addition (Deuteronomium, 47–48); George Adam SMITH: "The return to the fact that solemn sacrifices shall nevertheless be made at the one altar is natural" (The Book of Deuteronomy [The Cambridge Bible for Schools and Colleges; Cambridge: Cambridge University Press, 1918], 172).

⁴⁰ Scholars have long struggled with the problems created by the phrase צויתך. See the commentaries and compare LEVINSON, Deuteronomy, 41–43, 46–47.

The splicing together of the two laws that allow those far away from the one legitimate cultic site to slaughter and eat at home in vv. 20–28 blends the different provisions laid out in each one of them as complementing each other. The resulting text has three main provisions. First, anyone too far from Yahweh's chosen site, whether beyond some border or along too difficult a road within it, may slaughter and eat at home to their heart's content, like game (vv. 20–22). Second, such meat – attained, in point of fact, unlike game – must have the blood drained from it before one can eat it (vv. 23–25). Third, the allowance does not extend to obligatory or voluntary sacrifices and other gifts. All these still belong to the sphere of the cult and one must bring them to the one site designated as of cultic significance (vv. 26, 28).⁴¹ To judge by the present form of the text, conflating the laws in this fashion would have produced the unfortunate result that the clause כִּי יִרְחֹק מִמֶּךָ מִבְּשָׂרֵךָ in the second amendment in vv. 21, 26, 28, which originally referred to the provisions in the first amendment in vv. 20, 22–25, would, at the point of conflation, precede those provisions and have no intelligible antecedent. In any case, the act itself of conflating the two laws in a single text does not represent a genuine stage in the development of laws concentrating the cult, since no new provisions or practices resulted from it.

The passage in vv. 13–19 develops the law one stage more. It synthesizes all the various practical and conceptual aspects of all the different laws concentrating cultic worship at a single site, including the use of the verb זָבַח to denote the local, secular slaughter of domesticated animals. At first, it may occasion surprise that the law opens by stressing that the concentration of cultic worship applies to the whole-burnt offering, especially since it represents the only way in which the paragraph in vv. 13–19 diverges from the flow of the conflated text in vv. 20–28:

Take care, lest you offer up your whole-burnt offerings מִקוֹם אֲשֶׁר תִּרְאֶה, any place you might look; only at the place Yahweh will choose in one of your tribes, there shall you offer up your whole-burnt offerings and there shall you perform all that I command you.

Immediately, though, this opening prohibition against sacrificing the whole-burnt offering *in any place* except Yahweh's chosen one crystallizes as the foil for the law's main contribution, that one may slaughter domesticated animals nonsacrificially and consume them *in any city* in Israel: רַק בְּכָל אֹתָם בְּכָל שַׁעֲרֵיךָ. It stands to reason that this new formulation extends the provision of secular slaughter of domesticated animals to the very city that has Yahweh's chosen site in it. Unless one brings the animal to the holy site itself, as long as one dumps its blood casually on the ground,

⁴¹ As reasoned above, v. 27, reclaiming the term זָבַח for a category of sacrifice, would first have entered the text after the next stage, the insertion of the paragraph in vv. 13–19.

the animal counts, for all intents and purposes, as game and one eats it without any sacred dimension.⁴²

Inserting this paragraph ahead of the conflated paragraph in vv. 20–28 has several repercussions. Most importantly, it serves to predetermine the reading and meaning of the conflated paragraph that follows it. Once vv. 13–19 have established that one may slaughter and consume meat in the temple city itself and have laid out all the various details of that law, vv. 20–28 do not do much more than add emphasis and a few details, nothing substantial in and of itself. The geographic dimensions that originally defined the thrust of vv. 20 and 21, now made superfluous by the far broader provision of vv. 13–19, fade for all intents and purposes into oblivion. On the other hand, the presence of vv. 13–19 ahead of vv. 20–28 has resuscitated the reference כִּי יִרְחֹק מִמֶּךָ in v. 21, since the details of domestic slaughter and consumption in vv. 15–16 now offer themselves as its natural antecedent.⁴³

One can chart the successive stages by highlighting the changes in the key phrases from one paragraph to the next:

11:31–12:12	<u>אֵל הַמְּקוֹם אֲשֶׁר יִבְחַר ה' אֱלֹהֵיכֶם מִכָּל שְׂבָעִיכֶם לְשׁוֹם אֶת שְׁמוֹ שָׁם ... וְהִבְאַחַם שְׂמֵה עֲלֵיכֶם וּזְבַחְכֶם ... וְהָיָה הַמְּקוֹם אֲשֶׁר יִבְחַר ה' אֱלֹהֵיכֶם בּוֹ לְשֹׁכְנֵי שְׁמוֹ שָׁם שְׂמֵה הִבְיָאוּ אֶת כָּל אֲשֶׁר אָנֹכִי מְצַוֶּה אֲחֵכֶם עֲלֵיכֶם וּזְבַחְכֶם ...</u>
12:20, 22–25	<u>כִּי יִרְחֹב ה' אֱלֹהֶיךָ אֶת גְּבוּלְךָ ...</u> <u>בְּכָל אֹתָם נִפְשֶׁךָ תֹאכַל בָּשָׂר</u>
12:21, 26–28	<u>כִּי יִרְחֹק מִמֶּךָ הַמְּקוֹם אֲשֶׁר יִבְחַר ה' אֱלֹהֶיךָ לְשׁוֹם שְׁמוֹ שָׁם וּזְבַחַת ... כִּי יִרְחֹק מִמֶּךָ וְאָכַלְתָּ בְּשַׁעֲרֶיךָ בְּכָל אֹתָם נִפְשֶׁךָ</u>
12:13–19	<u>רַק בְּכָל אֹתָם נִפְשֶׁךָ תֹּזְבַח וְאָכַלְתָּ בָּשָׂר ... בְּכָל שַׁעֲרֶיךָ</u>

In terms of the theory of literary revision and hermeneutics, the paragraphs analyzed do not make up together a group of generally parallel texts edited to match each other to a greater or lesser degree, with sentences and clauses added this way and that. Nor do the different texts aim each physically to supplant the other. Paragraph by paragraph, each one assumes the basic premise of its predecessor but amends one facet of it and aims to qualify and control the sense of it, its application, or reception history, so to speak. In the case of the last piece, vv. 13–19, the sum total of its characteristics indicates that its author intended it to enter the text at an earlier point than the paragraphs it amends and in that manner to predetermine which aspects of their discourse would stand out and which would fade into insignificance.

⁴² Analogously, the rabbis said of the Passover that the criterion “too far” refers either to a distance of twenty-eight kilometers or, amazingly, no further than the other side of the threshold of the temple itself (e.g., *m. Pesah. 9:2; Sipre §69*).

⁴³ Samuel D. LUZZATTO, *Commentary to the Pentateuch* (ed. P. Schlessinger; Jerusalem: Horeb, 1965; repr. 1993; orig. pub. Padua, 1871) [Hebrew], 526.

Historically speaking, the progression of literary revisions within Deut 11:31–12:28 reconstructed in the analysis above makes it hard to resist conjuring up a social scenario, however general.⁴⁴ Despite the programmatic formulation of each of the amendments to the law restricting the sacrifice to a single site, they could all represent so much legislative scrambling that aims to justify after the fact what the people at large do. Whenever the framers of the law concentrating cultic worship wrote and however their law came to impress itself upon the public consciousness, they simply could not persuade folks not to eat the meat of domesticated animals at home.⁴⁵ So in successive stages they recast the law from one that restricts *all* consumption of domesticated animals to one that restricts *cultic* consumption of domesticated animals and transferred the burden of sacrality from action to context, from the act itself to the location of the action and the human intent that defines the action. The religious imagination – however compellingly it interprets history, however richly it embeds everyday objects, senses, and actions – has its practical limits. As a human faculty, as a human endeavor, it faces human limits. The original law conjures up an image of the temple as a dynamic center of regular feasting, palpably consolidating social life and national identity. The subsequent versions of the law progressively dull that vision and limit the temple's exclusivity to a few imposed feasting obligations, recasting the temple's regular significance largely as a matter of deictic symbolism.⁴⁶

⁴⁴ Compare LEVINSON, Deuteronomy, 39–40.

⁴⁵ Instructively in this regard, the author of 1 Sam 14:31–35 can entertain the idea of Israelites who, driven to exhaustion by Saul's relentless campaign against the Philistines, do not scruple to slaughter the livestock in their war booty and eat it without properly draining the blood, and can describe Saul as dedicating a rock to Yahweh and setting up a makeshift altar for the purpose.

⁴⁶ Analogously, the law of firstborn animals in Deut 15:19–23 and the original tithe law in 14:22–23 consolidate all giving into a single annual trip to the one chosen site (contrast Exod 22:28–29), but even this dispensation underwent adaptation, in 14:24–26, because of “distance from the one chosen site,” such that the offerer consumes this food, too, at home and stores up credit – “silver pieces” – instead. Because silver pieces have no shelf life, the amendment effectively, if not deliberately, undermines the obligation for an annual tithe and firstborn trip altogether and lays the groundwork for a far-less regular visit. Indeed, analysis of rabbinic halakah and hermeneutics regarding the obligation of pilgrimage tends to indicate that Jews of the Second Temple period simply did not go on pilgrimage three times every year, or even once per year, but much more sporadically, so much so that the rabbis felt constrained to reinterpret the pentateuchal laws of pilgrimage wholly against their plain sense. See Shmuel SAFRAI, “The Pilgrimage Commandment,” in *The Pilgrimage in Second Temple Times: An Historical Monograph* (Tel Aviv: Am Hasefer, 1965) [Hebrew], 24–41; repr. with addenda in IDEM, *In the Days of the Temple and in the Days of the Mishnah: Studies in the History of Israel* (2 vols.; Jerusalem: Magnes, 1994) [Hebrew], 1:43–60; CHAVEL, “Second Passover,” 17–19.

The Deuteronomic Evidence for the Documentary Theory

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In classical source-critical scholarship, it was held as axiomatic that the historical retrospective in the opening speeches of Deuteronomy was written on the basis of the combined J and E narratives (the so-called “JE” document).¹ In recent years, as the very existence of J and E has been challenged, it is more commonly argued that some or all of the non-Priestly texts of the Tetrateuch are in fact the product of Deuteronomic revisions of earlier materials or even entirely new Deuteronomic compositions.² In this paper, I will examine two passages from the beginning of Deuteronomy that have an undisputed literary connection with texts from Exodus and Numbers. I hope to demonstrate that neither of the two aforementioned models does justice to the literary evidence.

¹ The term “JE,” originally used simply to designate the non-Priestly corpus, was first treated as an actual independent document by Abraham KUENEN, *An Historico-Critical Inquiry into the Origin and Composition of the Hexateuch* (trans. Philip H. Wicksteed; London: MacMillan & Co., 1886), 160–61; the dominant argument for the “JE” document comes from Julius WELLHAUSEN, *Die Composition des Hexateuchs und der historischen Bücher des Alten Testaments* (Berlin: G. Reimer, 1885; repr., Berlin: de Gruyter, 1963), 35. On the rise and assumption of the “JE” theory, see Joel S. BADEN, J, E, and the Redaction of the Pentateuch (FAT 68; Tübingen: Mohr Siebeck, 2009), 11–98. The dependence of D on this “JE” document was a nearly universal assumption: cf., e.g., WELLHAUSEN, *Composition*, 186–208; J. Estlin CARPENTER and G. HARFORD-BATTERSBY, *The Hexateuch According to the Revised Edition* (2 vols.; New York: Longmans, Green & Co., 1900), 1:173–74; S. R. DRIVER, *A Critical and Exegetical Commentary on Deuteronomy* (3rd ed.; ICC; Edinburgh: T&T Clark, 1902), xiv–xix.

² See the contemporary scholarship cited below. Throughout I will use the term “Deuteronomic,” rather than “Deuteronomistic,” for the sake of simplicity and clarity: the texts under discussion are from or resonate with Deut itself, rather than the Deuteronomistic History. Although the distinction between D and Dtr is frequently muddled, we must in fact distinguish between the two; see the analysis of Menahem HARAN, *The Biblical Collection* (3 vols.; Jerusalem: Magnes, 1996–2008) [in Hebrew], 2:195–200.