

Curtailing Disloyalty and Disaster: Deuteronomy 13

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INTRODUCTION

In my previous studies in Deuteronomy, I have examined YHWH's response to Israel's disloyalty, with particular concern for how modern readers can understand the severity of his anger.¹ In the passages previously studied, the nation of Israel is treated as a collective individual. She² is viewed as a single individual who may be loyal or disloyal, obedient or disobedient, blessed or cursed. No room is provided for considering the range of dispositions expressed by individuals and subgroups within the nation.³ Rather, the texts portray the nation as an undivided unity, a single character within the narratives and sermons.⁴ These texts are concerned with the destiny of the nation, not individuals within the nation.

In this essay, I consider the legal passage of Deut.13. Like the other texts I have considered, this passage focuses on the demand that Israel be loyal to YHWH alone and on the consequences of turning to other gods. However, unlike the other passages, this chapter concerns disloyal individuals and cities within otherwise loyal Israel. In particular, ch.13 demands the harsh censure of individuals who incite Israelites to follow other gods besides YHWH.

¹ These studies have focused on Deut.4, 9-10, 28, and 32.

² In deference to English convention I use the feminine singular pronoun to refer to Israel, despite the Hebrew convention of using the masculine singular and plural.

³ Israel is also portrayed in a black-and-white fashion with no middle ground between loyal and disloyal, etc.

⁴ One exception is the character of Moses, the law-giver, mediator, and preacher. He maintains a relationship with YHWH that is characterized as separate from that of Israel. Aaron is a much less important exception.

Within Deuteronomy's overall concern for loyalty to YHWH alone, ch.13 complements the other nation-as-individual passages. As long as the orthodox core of the nation dutifully suppresses any incitement to disloyalty, Israel as a nation is understood to be maintaining her commitment to YHWH. If, however, an individual within Israel turns from YHWH to other gods, advocates that others do the same (13:2-12⁵), successfully turns entire sub-populations within Israel away from YHWH (13:13-19), and collective Israel is unable or unwilling to control the apostasy, the nation as a whole risks YHWH's own punishment. Such a situation does not require that every individual without exception within Israel turn from YHWH in order for the nation itself to be judged guilty. The anger of YHWH described in such passages as chs.4, 28, and 32 is provoked by a nation that is no longer describable as being responsive to YHWH. By focusing on disloyalty by individuals and cities within Israel, the laws of ch.13 function to halt any movement toward national disloyalty.

Beyond its function within Deuteronomy, ch.13 is also significant because it is a lightning rod for modern condemnation of Old Testament religious ethics.⁶ When viewed through the cultural values of modern liberal democracy, punishing deviation from a culture's religious majority at all, much less with death, seems impossible to comprehend. Jeffries Hamilton, who desires to transfer something across the cultural gulf between the ancient and modern worlds, characterizes this text as "not only different, foreign, irrelevant, obsolete, esoteric, etc., but abhorrent in the bargain."⁷ He asks, "How may a text with an inescapable view of what God demands of the worshiper, namely the destruction of those who would tempt the worshiper to adopt a different loyalty, have any meaning in a situation in which that view is widely regarded as abhorrent?"⁸ He goes one step further by claiming that this text "cannot be reconciled with liberal western notions of right and wrong either in its subject [i.e. loyalty to YHWH] or in the way it calls upon its audience to act with reference to that subject [i.e. capital punishment for the disloyal]."⁹ His solution in the end is to find something within the text that can still be valued (i.e. a desire for a "deuteronomic society," seen as one that "shares the vision of a life under God that is characteristic of Deuteronomy"). But he simultaneously and consciously downplays the objectionable aspects of how the text describes the maintenance of that society (i.e. rigid and harsh punishments of deviation).¹⁰ Such a selective approach to understanding what "life

⁵ Throughout this essay I refer to the verse numbering of the Hebrew text for Deut.13; English versions use verse numbers of one less.

⁶ For example, a website that questions biblical ethics by portraying parodies of biblical texts with Lego™ toys dedicates a section to each of the three cases of Deut.13. The first, "False Prophets," depicts the crucifixion of Jesus based on the law of the first case. The second, "When to Stone Your Whole Family," shows a father killing his family when they suggest he go to church to worship Jesus. The third, "Religious Tolerance," shows the destruction of an entire town where street preachers were encouraging the worship of Jesus. (http://www.thebricktestament.com/the_law/)

⁷ Jeffries M. Hamilton, "How to Read an Abhorrent Text: Deuteronomy 13 and the Nature of Authority," *Horizons in Biblical Theology* 20 (1998): 12.

⁸ Hamilton, "Abhorrent," 15.

⁹ Hamilton, "Abhorrent," 12.

¹⁰ Hamilton, "Abhorrent," 23-4.

under God” entails betrays a hermeneutical framework that accepts what the reader finds acceptable and rejects what is found unacceptable. Such a selective reading cannot properly respond—as seems to be the goal of the author—to the “parenthesis, exhortation, pleading, [which] occupies so much of the text”¹¹ if those parts of the text’s exhortation that are in conflict with the reader’s presuppositions are quieted and thereby resisted.¹²

Modern readers who are willing to face into the demands of the text cannot help but experience some degree of dismay. Brueggemann allows this personal reflection: “The harshness of the teaching is unrelieved, and for this reader is nearly unbearable.”¹³ He characterizes the attitude in the text as “a vigilante mentality of deeply anxious exclusivism.”¹⁴ Indeed, the anxiety Brueggemann senses in the rhetorical pressure of this passage seems to indicate a historical situation where temptation to disloyalty to YHWH is perceived to be very real and very dangerous.

Rather than resist the fearful killing and destruction commanded in Deut.13, my approach is first to seek some measure of sympathy with the text before judging the goodness of what it presents.¹⁵ My strategy for sympathizing with this text is to find a suitable modern analogy for understanding YHWH’s concern for and commanded action against disloyalty. My best analogy at this point is a political one that juxtaposes Deuteronomy’s demand for loyalty to YHWH and the modern state’s demand for the loyalty of its citizenry and, indeed, for the loyalty of the entire world to the modern nation-state system.

The importance of political loyalty within the modern western world is more understandable than what is usually meant by loyalty to a “religion.” By interpreting YHWH’s requirements within only the first half of the modern dichotomy between religion and politics, the laws of this chapter are understandably seen as abhorrent. However, when the ancient situation is brought into juxtaposition with the political side of life within the modern state, considerably more consistency with modern life becomes apparent. While complete agreement with the vision of Deut.13 may not be possible, considerable strides can be made toward helping modern readers sympathize with that vision.

In this essay, I first consider the text of Deut.13. I then acknowledge and explore some important historical differences between this text’s original setting and modern culture. Finally, I offer

¹¹ Hamilton, “Abhorrent,” 23.

¹² His argument that the punishments required by Deut.13 were never actually enacted within Israel may be valid. If such a historical reconstruction is correct, it would be true to say that “the text recognizes that it is not addressing an audience which can act on its exhortations without transcribing them into a different situation” (Hamilton, “Abhorrent,” 23). However, eliminating the strict and bloody enforcement of loyalty to YHWH as a necessary or desirable aspect of “life under God” in a “deuteronomic society” would require further justification.

¹³ Walter Brueggemann, *Deuteronomy* (Nashville: Abingdon, 2001), 152.

¹⁴ Brueggemann, *Deuteronomy*, 155.

¹⁵ I only take steps toward this first goal of sympathy in this essay. Moral evaluation and ethical reflections are beyond my present scope.

a discussion that relates YHWH to modern politics as a suggestive approach to help a modern reader to sympathize with this ancient portrayal of YHWH.

DEUTERONOMY 13

Context

This chapter lies within the second of Moses' three great speeches of Deuteronomy, which begins in 4:44 and runs through ch.28. After the introductory material that contains the decalogue and a series of sermons encouraging complete obedience to the law, the detailed commands of YHWH begin in ch.12 and run through 26:15.

The opening section of the commands, ch.12, is concerned with Israel's unified commitment to YHWH. After an introductory statement (v.1), it begins with the negative command to destroy (אבד) the Canaanite places of worship (v.2) and break (נתין), smash (שבר), burn (שרף), and cut down (גרע) the objects of their worship (v.3; cf. 7:5). The result is that the names of the Canaanite gods will be removed (אבד, lit. "destroyed") from these places of worship. The positive command is that Israel will "seek the place that the LORD your God will choose out of all of your tribes as his habitation to put his name there"¹⁶ (v.5). With the Canaanite gods' names removed from the land, YHWH will place his name there, with special reference to the central place where all Israel will come to sacrifice (v.6). The chapter continues with rules concerning the slaughtering of meat for food, which is permitted throughout the land even though sacrificial offering is limited to the one central place (vv.13-15). Slaughtering for food, like all of Israel's "secular" life, is still regulated by YHWH, but it is not considered a specifically cultic act. The reality of achieving unified worship across a nation spread out over the land requires a delicate balance between local and national life. The chapter closes (vv.29-31) by returning to its central point: Israel is not to follow after any other god but YHWH. Even after the Canaanites are destroyed and their cultic places and objects obliterated, Israel must be warned not to be ensnared (נקש) by the gods of the land and not to seek (דרש) after them (v.30).

Deuteronomy's concern for Israel's undivided loyalty to YHWH is highlighted here, as in the decalogue itself, by the first chapter of the law focusing on the problem of maintaining unified worship across the land. While ch.12 is concerned with measures for assuring this loyalty, ch.13—the focus of this essay—is concerned with case law that deals with any who would undermine that loyalty.¹⁷

¹⁶ All Bible quotations are taken from the NRSV 1989, unless otherwise noted.

¹⁷ Dion argues that important themes of ch.12 are picked up again by chs.14-16, while ch.13 is "an entirely self-contained unit." In particular, ch.13 is uninterested in *centralized* worship, focusing instead on the worship of YHWH alone, while the location of worship is prominent in chs.12, 14-16. He concludes that redactional effort has been expended to connect ch.13 to its context, but it "remains an isolated composition" (Paul E. Dion, "Deuteronomy 13: The Suppression of Alien Religious Propaganda in Israel during the Late Monarchical Era," in *Law and Ideology in Monarchic Israel* [ed. Baruch Halpern and Deborah W. Hobson; Sheffield: Sheffield Academic, 1991], 156-9). Regardless of one's reconstruction of the compositional history behind the text, ch.13 in its final form focuses upon the primary demand of exclusive loyalty to YHWH, as does its context. However, the point is valid that ch.13 contrasts somewhat with chs.12, 14-16 in terms of style and content. If an

It is worth noting that a later law focuses on the relatively straightforward case of an Israelite worshipping another god (17:2-7). The present chapter deals with the more complex problem of incitement to idolatry rather than idolatry itself—a unique law in the OT, where incitement is not otherwise prosecutable.¹⁸ While it would seem logical to arrange these cases together, traditional interpretation understands 17:2-7 to be more focused on judicial procedure for a capital case than the problem of idolatry itself, explaining its placement among other issues of procedure.¹⁹

Structure and Bounds

Structurally, Deut.13 consists of three cases, each beginning with a protasis marked by כִּי and an imperfect verb (vv.2, 7, 13). Each of the three cases concerns someone attempting to turn, or succeeding at turning, a portion of Israel away from being loyal to YHWH. The cases hang together by a similar offense: someone suggests, “Let us follow other gods...and let us serve them” (נִלְכָּה אַחֲרֵי) (אלהים אחרים...ונעבדם; v.3; cf. vv.7, 14, with some variations). Each time, Moses (who narrates these cases) interrupts with a comment about these “other gods”: “whom you have not known” (אֲשֶׁר לֹא־יִדְעֵתֶם; v.3; cf. vv.7, 14, with a variation in v.7). The accusations are also held together by the common verb גָּדַח (“to thrust, impel”; vv.6, 11, 14), which refers in different ways to the intent of the offender to drive some portion of Israel away from YHWH. This verb captures “the essence of the crime: separating Israel from its God.”²⁰ In each case the audience is instructed in varying ways to dissociate from the offenders (vv.4-5, 9a, 18a). Finally, in each case the offender is sentenced with death. Although not identical in structure, each case contains not only a protasis and apodosis, but also an explanation for understanding the severity of the crime.

A word about the bounds of the text. Though ch.12 is directly related to the three cases of ch.13 by virtue of its interest in undiluted loyalty to YHWH, its generically apodictic character is distinct from the casuistic law of ch.13. The first verse of ch.13 is a general statement about the necessity of Israel carefully obeying Moses’ law. While this demand is appropriate as an introduction to the severe cases contained in the rest of the chapter, with their harsh and costly penalties, for the purposes of this essay I focus on the three cases themselves. After the three cases, ch.14 returns to apodictic law, with a focus on Israel’s holiness, primarily reflected by dietary restrictions. Thus, I consider 13:2-19 to be the bounds of the passage for consideration here.

explanation is sought for the joining of ch.13 to this context, it is suggestive of an intention to raise the significance of the place of worship to being on par with the first commandments’ stipulation of the object of worship.

¹⁸ Dion, “Suppression,” 147.

¹⁹ Jeffrey H. Tigay, *Deuteronomy: The Traditional Hebrew Text With the New JPS Translation* (Philadelphia: Jewish Publication Society of America, 1996), 129; Dion, “Suppression,” 159-60.

²⁰ Dion, “Suppression,” 166.

Exegesis

The three cases contained in this chapter all concern incitement to disloyalty to YHWH. The hypothetical cases seem to have been chosen to challenge the strongest competing loyalties of its audience. Loyalty to YHWH must transcend loyalty to apparently divine authority, one's most intimate human relationships, and solidarity with one's fellow citizens. Having subordinate loyalty to prophets, intimates, and fellows is not problematic, only privileging anything above loyalty to YHWH. Von Rad notes, "The interesting point here is that faith in the fact that Israel belongs to Yahweh is set above all else; not even a sign coming from the divine world is able to shake this assurance."²¹

The Case of the Treasonous Prophet (vv.2-6)

The first case begins in v.2 and considers a mantic figure, described as a prophet or a dreamer of dreams (נביא או חלם חלום).²² These figures represent the two principle means by which YHWH might bring new verbal revelation to Israel (cf. 1Sam 28:6).²³ This law concerns such a figure (hereafter referred to as "prophet," for simplicity) arising in the midst of Israel (יקום בקרבך), meaning that the concern is for one who is a member of the covenant community counseling rebellion against YHWH. These particular laws are unconcerned with outside influences. This figure gains credibility by speaking of a sign or wonder (אות או מופת) which subsequently comes true (v.3). But along with the miraculous deed,²⁴ the figure counsels rebellion against YHWH: "Let us follow other gods' (whom you have not known) 'and let us serve them'" (נלכה אחרי אלהים אחרים אשר (לא-ידעתם ונעבדם)). Some interpreters and translators consider "whom you have not known" to be a narrator insertion and not part of the inciter's direct speech.²⁵ However, it is probably better to consider the entire exhortation to be a negative gloss by Moses on what the prophet would say.²⁶ For example, it is unlikely that such a speaker would refer generically to "other gods" rather than to some specific god or gods. The wording Moses offers for the disloyal suggestion contains language that corresponds directly to what is forbidden in Deuteronomy.²⁷

²¹ Gerhard von Rad, *Deuteronomy: A Commentary* (trans. Dorothea Barton; London: SCM, 1966), 97.

²² NRSV chooses to render the offender in the plural: "prophets or those who divine by dreams," probably in order to avoid using gender-specific singular pronouns.

²³ Tigay, *Deuteronomy*, 129. The urim could be used to solicit yes/no guidance from YHWH, but could not provide innovative messages.

²⁴ Commentators frequently note an awkwardness in the text and re-order the events to be an exhortation to worship other gods followed by a sign, rather than gaining a platform for speech by performing a sign (E.g. J. G. McConville, *Deuteronomy* [Leicester: Apollos, 2002], 233; Tigay, *Deuteronomy*, 129). Mayes suggests the awkwardness signals a later addition (A.D.H. Mayes, *Deuteronomy* [NCB; London: Marshall, Morgan & Scott, 1979], 232). Regardless of the order of events, the syntax of the final form of the text must be read as joining the promise and fulfillment of the sign to the persuasive speech.

²⁵ E.g. McConville, *Deuteronomy*, 233-4.

²⁶ So also Tigay, *Deuteronomy*, 130, who refers to 29:18 (Eng.19) for a similar pejorative paraphrase by Moses. Dion agrees: "The lawgiver himself is passing judgment on the proselytizer's propaganda while pretending to sum it up" (Dion, "Suppression," 163).

²⁷ E.g. "Do not follow other gods" (לא תלכון אחרי אלהים אחרים); 6:14; cf. 5:7; 8:19; 11:28).

Using signs to substantiate a prophet's claim to the divine word is part of Moses' own story and is in no way illegitimate in and of itself. At his call, he raised the problem of Israel not believing that YHWH had spoken to him: "But suppose they do not believe me or listen to me, but say, 'The LORD did not appear to you'" (Exod.4:1). YHWH then gave Moses signs (אֹתוֹת; 4:8, 9, 17, 28) to perform as proofs of his having met with YHWH.²⁸ When Moses and Aaron presented YHWH's words and signs to the people, they believed them to be true prophets of YHWH (Exod.4:30-31). In the context of Deuteronomy, such proofs of true prophecy are now de-centered. Prophecy still remains part of Israel's religious life, but its content is bounded by exclusive loyalty to YHWH—nothing can contravene the first commandments. However, it is exactly because of the persuasive power of wonder-working and its place in Israel's own story that this law must be established. No matter how incredible the display of mantic authority, such a word must be shunned.²⁹

What exactly is the prophet encouraging? The language used is not only reflective of Deuteronomy but also of ANE political treaties. To "follow" (הִלַּךְ אַחֲרָי) is not necessarily only a metaphor for being influenced by someone, but can have a legal meaning for a vassal serving his sovereign,³⁰ which was seen as an exclusive relationship of undivided allegiance.³¹ Although polytheistic belief may allow apportioned worship, within a political framework to follow after one sovereign is to neglect another. These "other gods" are characterized as ones "you have not known" (לֹא־יָדַעְתֶּם). Within a political context, to "know" (יָדַעַ) means to recognize with legal standing.³² In a vassal treaty, "knowing" a king means to recognize this king as one's legitimate ruler, with all accompanying obligations. Thus to serve an "unknown" god would mean to treat such an illegitimate one as legitimate—with the implied consequence that YHWH, the legitimate "known" one, would no longer be so recognized. The issue here is not just familiarity,³³ to follow after "unknown" gods necessitates a shift in loyalty.³⁴ Finally, the prophet calls upon the audience to "serve" (עָבַד) these

²⁸ Tigay notes that signs are used by prophets who meet resistance to their messages. "A prophecy calling for the worship of another god would, or should, meet such resistance, since it contradicts God's teachings; but if the prophet produced a sign which seemingly could not occur without God's help, the people might feel compelled to believe him" (Tigay, *Deuteronomy*, 130).

²⁹ False prophecy is an important problem in the OT, as not all of those who claim to be prophets, or even have societal acceptance as prophets, truly speak for YHWH. Cf. R.W.L. Moberly, *Prophecy and Discernment* (Cambridge Studies in Christian Doctrine; Cambridge: CUP, 2006).

³⁰ William L. Moran, "The Ancient Near Eastern Background of the Love of God in Deuteronomy," *CBQ* 25 (1963): 82 n.35; Moshe Weinfeld, "Covenant Terminology in the Ancient Near East and Its Influence on the West," *Journal of the American Oriental Society* 93:2 (1973): 196 n.83, 332. Cf. Sumerian letter from Ishbi-Erra to Ibbi-Sin where the phrase is equated with becoming that one's slave (Samuel N. Kramer, *The Sumerians: Their History, Culture and Character* [Chicago: University of Chicago Press, 1963], 333).

³¹ Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Clarendon, 1972), 81-91.

³² Herbert B. Huffmon, "The Treaty Background of Hebrew Yada'," *BASOR* 181:F (1966): 31-7.

³³ Cf. 4:35 "To you it was shown so that you would acknowledge that the LORD is God" (אֲתָהּ הִרְאִיתָ לְדַעַת כִּי (יְהוָה הוּא הָאֱלֹהִים)). Some translate יָדַעַ here as simply "know" (e.g. NASB, NIV), which would emphasize internal knowledge, but here the NRSV emphasizes the outward recognition of YHWH. Cf. 4:39; 7:9; 9:24 (if the emendation לְדַעַתוֹ is accepted from the LXX; cf. Huffmon, "Yada," 35).

³⁴ Cf. 1Kgs.18:21.

gods. Although clearly a term of religious worship, its political sense should not be overlooked. The vassal serves the sovereign.³⁵ To show loyalty to other gods by serving them necessitates disloyalty to YHWH.³⁶

From the description of the offense, Moses turns to command the prophet's audience: "You must not heed" (**שמע**; lit. "listen to"; v.4). This warning to the audience differentiates this law from simple retrospective prosecution of an offense. Moses' first concern is not that the offender be punished, but that the prophet's audience not be swayed to disloyalty by the false prophet's combination of sign and word. The law provides more than judicial guidelines for evaluating the case against the prophet. Moses' audience must know this law ahead-of-time so that such a prophetic word can be rejected.³⁷

In the second half of v.4, Moses pulls back the curtain of heaven to reveal YHWH's perspective on what is happening with this disloyal prophet's attempted seduction of Israel. The false prophet is no mere aberration in YHWH's world, acting in opposition to him. With the curtain drawn back it is seen that the entire scenario is one of YHWH testing (**נסה**) Israel. But what is being tested and why?³⁸ YHWH's test is to know (**ידע**) something about Israel's fidelity. Moberly helpfully navigates the theological errors that surround this pairing of testing and knowing.³⁹ On the human side, this is no "mere" test that is some distance removed from the real world, but the result of the test has serious implications. On the divine side, YHWH's seeking knowledge is neither a disparaging commentary on his omniscience nor a poor metaphor for one who surely knows the outcome of the test. Rather, Israel knowing YHWH and YHWH knowing Israel reflects a dynamic relationship where choices and actions on both sides build or tear down, deepen or trivialize the formative communion between the two. If the political sense of **ידע** continues to be present here, YHWH's test concerns the maintenance of Israel's previously established and legally binding relationship of loyalty to YHWH. To "know" is to establish and externally formalize a relationship. What is it that YHWH is seeking to establish with this test? "To know whether you indeed love⁴⁰ the LORD your God with all your heart

³⁵ Weinfeld, *Deuteronomics*, 83 n.4, 332.

³⁶ Cf. 8:19 where following after (**הלך אחר**), serving (**עבד**), and worshipping (**שחתי**) other gods is marked as forgetting (**שכח**) YHWH. Similarly, serving other gods is characterized as turning away (**סור**) from YHWH (7:4; 11:16).

³⁷ Note that not all prophets and dreamers are to be rejected here, but just those who suggest such things (**הנביא והחלום ההוא**).

³⁸ Tigay comments that Moses' explanation of YHWH's testing only serves to refute the false prophet's claim that the sign verifies the prophetic word by arguing that YHWH has allowed the sign to come true (Tigay, *Deuteronomy*, 130). Likewise Craigie writes, "The performance of a sign or wonder did not mean that the gods advocated by a false prophet or dreamer had any real power, but only that the true God would permit certain things to happen in order to test and thereby strengthen his people" (Peter C. Craigie, *The Book of Deuteronomy* [NICOT; London: Hodder & Stoughton, 1976], 223).

³⁹ R. W. L. Moberly, *The Bible, Theology, and Faith: A Study of Abraham and Jesus* (Cambridge: CUP, 2000), 97-107.

⁴⁰ In Moberly's particular text of interest (Gen.22), YHWH seeks to know whether Abraham fears (**ירא**; Gen.22:12) him while love (**אהב**) is the concern of the test in the present passage. Though opposites in their

and soul” (לִדְרֹעַת הַיְשָׁכֶם אֱהָבִים אֶת־יְהוָה אֱלֹהֵיכֶם בְּכֹל־לִבְבְּכֶם וּבְכֹל־נַפְשְׁכֶם). The question is whether Israel can (continue to) be correctly characterized as lovers of YHWH. While older studies of love (אַהֲבָה) between YHWH and Israel focused on emotional aspects of the word,⁴¹ the subsequent discovery and study of ANE treaty texts has revealed the important sense of loyalty in the term. In Moran’s landmark study,⁴² he notes that Deuteronomy lacks marital metaphors for Israel’s relationship with YHWH and that אַהֲבָה is not used in connection with parental metaphors.⁴³ Rather, in both Deuteronomy and the ANE treaty contexts, אַהֲבָה is a covenantal term of loyalty, service, and obedience. The question is not whether Israel feels an inward attachment to YHWH and not the other gods offered by the prophet, but whether Israel will display undiluted loyalty to YHWH.

As von Rad notes, Deuteronomy has a “pressing, sometimes even imploring, way of speaking, and [endeavours] to grip the hearers personally in order to bind the divine commands on their conscience.”⁴⁴ Here in this hypothetical moment where Israel hangs between the words of Moses and the words and deeds of a seductive wonder-worker, between loyalty and apostasy, is an irresistible opportunity for a word of exhortation. Verse 5 contains six imperatives (in imperfect form) for how Israel is to relate to YHWH. The verse displays a chiasmic structure with YHWH appearing as the object of a preposition in the outer pair, the direct object in the middle pair, and as a pronominal possessive suffix in the inner pair.⁴⁵ Except for שָׁמַר,⁴⁶ all of the verbs are listed by Weinfeld as ANE diplomatic terms for fidelity to the king: הִלַּךְ אַחֲרַי (“follow”), יִרָא (“fear”), שָׁמַע בְּקוֹל (“obey”), עָבַד (“serve”), and רָבַק בְּ (“hold fast”). The point is hammered home: Israel must not be swayed in her loyalty to YHWH. Mayes points out that “this is the only place in the law corpus where the phrase ‘walk after’ is used with Yahweh as object; otherwise it is ‘other gods.’ It is the contrast between Yahweh and other gods which demanded the use of the phrase of Yahweh here.”⁴⁷ In all six clauses, the normal Hebrew word order is inverted so that YHWH is placed in the emphatic position. It is not only these six verbs that do the rhetorical heavy lifting. It is the statement of YHWH’s name and the rhythmic repetition of “him” that pushes the audience to embrace YHWH alone with wholehearted loyalty. No matter how persuasive is the supposed revelation of this prophet or dreamer, nor how important a role the joining of prophecy and signs has played in Israel’s past to reveal YHWH, nothing is to dissuade her from continuing her honoring her commitment to him alone.

English glosses, both are terms of exclusive allegiance within the ANE treaty context (Weinfeld, *Deuteronomy*, 332-3). יִרָא is introduced in the succeeding verse of the present passage.

⁴¹ E.g. Walther Eichrodt, *Theology of the Old Testament* (trans. J.A. Baker; Philadelphia: Westminster, 1961), 1.250-8.

⁴² Moran, “Love.”

⁴³ Moran, “Love,” 77-8.

⁴⁴ Von Rad, *Deuteronomy*, 23.

⁴⁵ Dion, “Suppression,” 151-3. He notes that the texts of 11QTemple and LXX are each missing a different one of the imperatives and concludes that each lost one of the clauses through scribal error.

⁴⁶ I find no reference to this term in the terminology of ANE treaties. Is it really not used there?

⁴⁷ Mayes, *Deuteronomy*, 233.

Though the sermonic thrust of vv.4-5 has wandered from the casuistic center of the passage, the law continues with the apodosis in v.6. Interestingly, the required capital punishment is presented with an impersonal passive verb—a single word: **והנביא ההוא או חלם החלום ההוא יומת** (“But that prophet or that dreamer of dreams shall be put to death”⁴⁸). This is no specification for how the killing shall be done or by whose hand. The vagueness could even be read as YHWH doing the deed himself, but within the legal context the implication is that Israel’s judiciary will proceed with prosecution and imposition of the sentence as with other capital crimes.

Rather than focus on the death of the seducer, Moses again preaches by emphasizing the reasons for this drastic punishment (v.6). The prophet is characterized in two ways. First, he has “spoken treason against YHWH” (**דבר-סרה על-יהוה**). The thing spoken, **סרה**, is of debatable etymology. If it derives from the verb **סור**, the prophet is condemned for telling Israel to turn, i.e. “treason” (so NRSV) or “rebellion” (so NASB, NIV) against YHWH, which would fit the context of Deut.13. However, if from the root verb **סרר**, the sense would be more of stubbornness, though such a condition can also lead to subordination. Dion prefers Akkadian examples based on this second root (*sartum, surrātum*) that are best understood as a “(malicious) lie.”⁴⁹ This reading is supported within Deuteronomy by its one other use in 19:16. In the rephrasing of 19:18 **סרה** is likened to **שקר** (“deception”).⁵⁰ Better understanding of the term follows from its use in the contextually rich parallels of Jer.28:16 and 29:32, which each use the same entire phrase (**סרה דברת אל-יהוה** and **סרה דבר על-יהוה**, respectively, though note the use of **אל** instead of **על** in the former) as Deut.13:6. Both of these cases in Jeremiah concern a false prophet, who wrongly claims to speak for YHWH. The false prophet seeks to lead the people in a direction contrary to YHWH’s wishes. In the first case, Hananiah has falsely assured the people that YHWH will eliminate Nebuchadnezzar’s power over them within two years (Jer.28:11). In the second case, Shemaiah has falsely claimed that YHWH has appointed him to be priest in place of Jehoiada (Jer.29:25-26). The more detailed accusation against each is very similar—to Hananiah: “the LORD has not sent you, and you made this people trust in a lie” (**לא-שלחך יהוה ואתה הבטחת את-העם הזה אל-שקר**); Jer.28:15) and concerning Shemaiah: “I did not send him, and [he] has led you to trust in a lie” (**לא שלחתי ויבטח אתכם על-שקר**); Jer.29:31). So in these two instances where the larger narrative explains the context, speaking **סרה** means claiming to speak for YHWH while actually opposing his wishes and speaking a lie (**שקר**). In neither of these cases is the false prophet counseling explicit rebellion against YHWH by worshipping

⁴⁸ My translation reflects the Hebrew singular rather than the NRSV plural rendering.

⁴⁹ Dion, “Suppression,” 153.

⁵⁰ Arnold B. Ehrlich, *Randglossen zur hebräischen Bibel: Textkritisches, Sprachliches und Sachliches* (Hildesheim: Georg Olms, 1968), Deut.13:6 .

other gods.⁵¹ So the case of Deut. 13:2-6 may involve a prophet proclaiming that YHWH wants Israel to syncretize its worship of him alone with that of another deity.⁵² It seems the text leaves open the possibility that what the prophet suggests may be more subtle than an outright change to another god. Perhaps the prophet recommends that a pantheon subordinate to YHWH be incorporated into Israel's worship.⁵³

Regardless of all that speaking **סרה** may include, Moses returns to his sermonistic voice to emphasize Israel's unique relationship to YHWH: "your God—who brought you out of the land of Egypt and redeemed you from the house of slavery" (**אלהיכם המוציא אתכם מארץ מצרים והפדך**) (**מבית עבדים**). In an unusual construction for Deuteronomy, the emphasis is not simply on what YHWH has done (which would probably use a relative clause), but the participial phrase emphasizes that YHWH is precisely the one who has done such great things for Israel. It could be rendered more literally, "YHWH, your God, the one who brought you out of the land of Egypt, the one who redeemed you from the house of slavery."⁵⁴ In view here is YHWH's unique relationship to Israel through his salvific deeds rather than the deeds themselves.

Verse 6 offers a second characteristic of what the prophet is doing: these treasonous words were intended "to turn you (**נרה**, hiphil) from the way." The decisive verb **נרה** occurs in all three cases considered in this passage (cf. vv. 11 and 14). The book of Deuteronomy uses the term in several ways. It can refer to swinging an axe (19:5; 20:19) or a straying sheep (22:1). It is also used for Israel being turning away from YHWH to then bow down to other gods (4:19; 30:17). Within the context of Israel's disloyalty it also refers to YHWH driving Israel into exile (30:1, 4). Israel is "thrust" into idolatry. YHWH "thrusts" Israel by ejecting her from the land. Within the theological framework of Deuteronomy, **נרה** seems to bring two ideas together: severe apostasy and the severe consequences of that apostasy. While any incitement to disobedience might be argued to be speaking "to turn you from the way in which the LORD your God commanded you to walk" (**להדיתך מן-הדרך אשר צוך יהוה**)

⁵¹ My contention that the center of these laws is the problem of loyalty to other gods and the resulting disloyalty (or rebellion or treason) against YHWH is not diminished by this understanding of this particular word. The point is that the prophet here is condemned for misrepresenting YHWH in this most fundamental way.

⁵² So also Tigay: "If our understanding of *dibber sarah* is correct, the law does not refer to a prophet of another god, but to a prophet of the Lord who advocates the worship of additional gods. Perhaps the text assumes that proposals made in the name of other gods would not be credible and were not a serious danger. The real danger would come from a prophet who seemed loyal to the Lord and argued in effect that worshiping other gods was compatible with loyalty to Him" (Tigay, *Deuteronomy*, 131).

⁵³ Tigay summarizes the theories of Maimonides and Ramban on how Israelites might rationalize the worship of YHWH's creation and foreign gods in analogy to the honoring of a secular king's officers (Tigay, *Deuteronomy*, 131). As another example, Satan's attempt to gain Jesus' worship (Matt. 4:8-10) is likely a temptation to syncretism in order to more easily gain the world through Satan's help rather than the more difficult road required by depending on his father alone.

⁵⁴ Cf. 8:14 where Israel is again urged to remain cognizant of and loyal to YHWH with a nearly identical phrase (it is, in fact, identical to the parallel phrase in the second case, 13:11), complemented in the following verse with a similar participial construction describing YHWH bringing water out of the rock.

(ללכת בה), it is his incitement to the fundamental disobedience to the first commandments' requirement of complete loyalty to YHWH alone that brings the prophet's fate upon him.

Wright expands on what is meant by "the way" (דרך) that YHWH commands: "It implies a whole orientation of personal and social life towards the values, priorities, and will of God, including commitment to justice and compassion, to integrity and purity."⁵⁵ So turning away from YHWH's way is not only a rejection of YHWH's person but a rejection of the society he endorses and is building. Wright continues, "To go after other gods was to go a different way, to adopt different social, economic, political, and personal values."⁵⁶ Though the modern world separates religion and politics, the two are interwoven here: devotion to YHWH entails commitment to a political and social fabric; devotion to another god moves toward different political and social ways. I will return to this impingement of the religious on the political later in this essay.

The case concludes with a final explanation for the harshness of punishing such words with death: "So you shall purge the evil from your midst" (ובערת הרע מקרבך). The stakes are so high in this case that the evil of such a prophetic entreaty takes on tangible properties, which the metaphor of burning (בער) with its purging power conveys as an explanation for the severity of the punishment.⁵⁷ This case concerns not just the life of the false prophet but the life of the entire nation of Israel.

The Case of the Treasonous Intimate (vv.7-12)

The first case considers the persuasive speech of a public wonder-worker. The second moves to another arena of powerful persuasion: the words of an intimate. Verse 7 catalogs the types of relations under consideration, with special emphasis on their intimacy: a brother (lit. "your brother, son of your mother"; אחיך בן-אמך),⁵⁸ son, daughter, wife ("the wife you embrace," or literally, "the wife of your bosom"; אשת חיקך;⁵⁹ NASB renders it "the wife you cherish"),⁶⁰ or closest friend (lit. "your friend who is like your own soul"; רעך אשר כנפשך). Brueggemann correctly notes, "The rhetoric is at pains to indicate that the seducer may be among one's most treasured companions."⁶¹ These people not only have special access to their audience, but are also likely to be trusted. Beyond this, if the hearer understands the gravity of what is happening, the close relation would imply a temptation to quiet the offense and certainly not initiate proceedings toward the ultimate punishment. The case concerns one

⁵⁵ Christopher J. H. Wright, *Deuteronomy* (Peabody, Mass.: Hendrickson, 1996), 174.

⁵⁶ Wright, *Deuteronomy*, 175.

⁵⁷ The phrase occurs a number of times in Deuteronomy, almost always with reference to capital punishment (13:6 [Eng.5]; 17:7, 12; 19:19; 21:21; 22:21, 22, 24; 24:7). 19:19 is the one possibly non-capital case.

⁵⁸ The Samaritan Pentateuch and LXX insert בן אביוך או "son of your father or" to cover both possibilities of brotherhood. The MT seems to emphasize closeness of relationship (i.e. shared parent) while the longer versions prevent the error of limiting the list of possible offenders. Since it seems the entire catalog is more representative than exhaustive, the addition is probably unnecessary.

⁵⁹ Cf. the rhetorical use of this phrase in the images of violated intimacy in 28:54, 56.

⁶⁰ Tigay notes that both Solomon and Ahab were lured into wrongful worship by their wives (cf. 1Kgs 11:3; 21:25) (Tigay, *Deuteronomy*, 132).

⁶¹ Brueggemann, *Deuteronomy*, 150-1.

you must not spare (חַמֵּל) him; you must not cover (כִּסֶּה) him.” This relentless series of prohibitions seems necessary in order to break the natural affinity between the intimates in favor of the affinity between the hearer and the nation of Israel and YHWH.⁶⁴ The first two commands concern protecting the hearer from persuasion, lest another fall into idolatry. The second two concern the natural desire to protect the intimate from the forthcoming punishment stipulated by the law. The point of prohibiting pity is not the exclusion of an emotion but of the action of shielding that may result from the emotion.⁶⁵ The final command is traditionally interpreted as prohibiting concealment of the crime from the community and legal authorities, presumably by silence. It has been suggested that a better interpretation is to prohibit condoning the offender’s crime.⁶⁶ In either case, the point is that the people of Israel must be more loyal to YHWH than to their own intimates, even in the face of their death. “The theological threat of the seduction overrides all normal social and familial inclinations.”⁶⁷

The law then turns to the offender’s punishment (vv.10-11a), which takes the form of a command for the intimate’s audience, marked by an adversative כִּי:⁶⁸ instead of condoning or concealing the offense, the intimate hearer must throw the first stone of the death sentence.⁶⁹ In parallel with the law against idolatrous worship, the witness is required to have a hand in the execution (cf. 17:7).⁷⁰ After the hearer begins the execution, the entire people is required to participate. No one was allowed to condone this most dangerous crime of inciting idolatry. Tigay notes that stoning was used against “crimes that challenged God’s authority or proper human authority. ... Such crimes constituted acts of ‘high treason’ against God or society. ... They were viewed as threats to national safety.”⁷¹

As with the first case, Moses offers further reasons for considering this crime to be so dangerous (v.11). The key verb נִרְחַק appears again, but instead of the offender seeking to turn the

⁶⁴ Rashi argues that the first three prohibitions reverse laws of compassion (Lev.19:18; Exod.23:5; Lev.19:16) that might lead the hearer to forgive the offender (Abraham ben Isaiah and Benjamin Sharfman, *The Pentateuch and Rashi’s Commentary: A Linear Translation into English: Deuteronomy* [Brooklyn: S.S.&R. 1950], 13:9).

⁶⁵ Tigay, *Deuteronomy*, 367 n.29.

⁶⁶ Bernard M. Levinson, “Recovering the Lost Original Meaning of *wl’ tsh`lyw* (Deuteronomy 13:9),” *JBL* 115 (1996): 601-20.

⁶⁷ Brueggemann, *Deuteronomy*, 151.

⁶⁸ GKC §163a.

⁶⁹ There is a significant textual problem in v.10a. The LXX seems to translate הִגֵּד תְּנַיִדְנָה (“you must certainly report”) rather than the MT’s הִרְגֵנּוּ תְּהַרְגֵנּוּ (“you must certainly kill”). The orthography is similar enough to allow for a scribal error and the LXX has been preferred because it safeguards against the idea of summary execution by the hearer without trial, which would be inconsistent with the careful investigation of vv.13-19 and 17:2-7. Note that the lone discoverer is commanded to kill a plotting regicide in *VTE* 130-46. Dion notes that the complete absence of the root הִרְגֵנּוּ in Deuteronomy, with its preponderance of killing, weighs heavily in favor of LXX (Ronald J. Williams, *Hebrew Syntax: An Outline* (2nd ed.; Toronto: University of Toronto Press, 1976), §447). The interpretation of כִּסֶּה in v.9 is also affected by the preferred text of v.10a. In either case, the end result is the death of the offender. Tigay notes that the general requirement for two witnesses for conviction of a capital led to a halakhic requirement that the offender repeat his proposal to additional witnesses before prosecution could proceed (Tigay, *Deuteronomy*, 133).

⁷⁰ It makes sense that the one tempted to idolatry would need to demonstrate rejection of the idolatry. However, this may also be an ordinary case of the witness being required to initiate the punishment (cf. 17:7).

⁷¹ Tigay, *Deuteronomy*, 133.

hearer from YHWH's commanded way (v.6), the explanation here is that the intimate has sought to turn the hearer from YHWH himself (כי בקש להדיחך מעל יהוה).⁷² YHWH is again described in a participial construction that emphasizes his unique relationship to Israel (cf. v.6).⁷³ The final explanation (v.12) is that the harsh punishment, including the involvement of the townspeople in imposing it, will act as a deterrent to prevent future offenses: "Then all Israel shall hear and be afraid" with the (hopeful) result that such a thing will never again be done within Israel (ולא־יוספו לעשות (כדבר הרע הזה בקרבך).

The Case of the Treasonous City (vv.13-19)

The third and final case describes a situation where an entire city within Israel has fallen prey to the idea of disloyalty to YHWH. The protasis begins with hearsay: "If you hear it said about one of [your⁷⁴] towns..." (כי־תשמע באחת עריך...לאמר) (v.13). But before going on to detail what might be heard, there is an opportunity for a sermonical comment about this city: "...that the LORD your God is giving you to live in" (אשר יהוה אלהיך נתן לך לשבת שם). Though "one of your cities" would be enough to establish the legal condition, the point is made that Israel would not even possess this city except by the gift of YHWH. Everything Israel is and has depends upon YHWH. YHWH not only commands Israel's loyalty but deserves it.

What is heard about this city (v.14)? The story revolves around some scoundrels (lit. "men, sons of worthlessness"; אנשים בני־בליעל).⁷⁵ Brueggemann helpfully points out that this is no objective term for agitators, but is label of "social marginalization" by the establishment that stands in opposition to them.⁷⁶ As with Moses' negative characterization of the various treasonous speeches, those who desire a life for Israel other than in YHWH alone are glossed negatively as opponents to orthodox Israelite life—which indeed they are. These scoundrels are marked as Israelites (lit. "from your midst"; מקרבך). While foreigners might possibly be forgiven for advocating the worship of other gods besides YHWH, the concern throughout this passage is sedition within Israel. These men are described as having "gone out" (צאו). While physical travel from their homes may be in view, it seems more likely that the verb communicates some theological motion: while the men began their lives in the midst of Israel, they have gone out from the community under YHWH and are troubling the nation. These insider/outsideers are then described as having "led astray" (the key verb גרדו, again)

⁷² This combination of prepositions does not otherwise occur with the verb גרדו, but the implication seems to be that the goal was to turn the hearer from an attitude of facing or resting upon YHWH.

⁷³ There is a minor difference here. The second participial verb, "redeem" (פדה), is eliminated, thus subsuming both the bringing out of Egypt and out of slavery under the one verb, "brought out" (צא).

⁷⁴ "Your" is omitted by the NRSV, which uses "the" instead.

⁷⁵ Cf. Tigay, *Deuteronomy*, 134 on possible meanings of בליעל.

⁷⁶ Brueggemann, *Deuteronomy*, 152.

the inhabitants of the city.⁷⁷ Moses characterizes their words of incitement with the same wording as the intimate in the previous case, “Let us go and worship other gods whom you have not known”, though the final “neither you nor your ancestors” (אתה ואבותיך; cf. v.7) is omitted. On the third and most complex situation of incitement, stylistic brevity is allowed.

No warning to resist the propaganda is given here, presumably because the audience has itself not been the target of the message.⁷⁸ The case begins with the audience becoming aware of the effect of the message on one of Israel’s cities. Since the capital case thus far is based on hearsay and the turning of an entire city is a public and substantial enough circumstance to permit investigation, the commanded response is a careful inquiry (v.15): “Then you must inquire and make a thorough investigation” (וּדְרַשְׁתָּ וְחִקְרַת וְשָׁאַלְתָּ הַיָּטֵב); lit. “and you shall seek out and search and inquire well”). If the truth of the matter is established (וְהָיָה אִמְתָּ נִכּוֹן), that this “abhorrent thing has been done among you” (הַדְּבָר נַעֲשֶׂתָה הַתּוֹעֵבָה הַזֹּאת בְּקִרְבְּךָ), then the subsequent punishment must be exacted.

Verse 16 prescribes the response, saying the same thing in two different ways. First, the inhabitants of that⁷⁹ city must be struck (הַכָּה תִּכָּה) with the edge of the sword. The judicial response of the first two cases is replaced by a militaristic response; the destruction of a city requires military force and is likely to be met by determined military resistance.⁸⁰ No exception is provided for innocent inhabitants of the city. It would seem that once military destruction of the city is deemed necessary, the possibility of individualized judgment is no longer possible, or even desirable.⁸¹ The idea of a city changing religions sounds odd to modern ears, but McConville notes the political analogy: “The scenario of a whole city going over to the enemy is perfectly intelligible in a world in which borders were less fixed than in the modern day.”⁸² Indeed, even in modern times, cities on disputed borders between rival factions often change sides as local power shifts.

Second, the city and all who are in it, including the beasts, are commanded to be placed under the ban (הָרַם, hiphil) and put to the sword. Elsewhere within Deuteronomy, the term הָרַם is used exclusively for the destruction of Israel’s enemies (Sihon, 2:34; Og, 3:6; the nations of Canaan, 7:2, 26 and 20:17), not Israel herself. But Exod.22:19 specifies this punishment for an Israelite who worships

⁷⁷ LXX and 11QTemple insert קול here, which might limit the case to the situation where every inhabitant without exception has turned to other gods, which would be in line with rabbinic interpretation that seeks to limit the applicability of this law (Tigay, *Deuteronomy*, 368 n.40). Dion argues that the addition of קול is gratuitous and without meaning (Dion, “Suppression,” 154-5).

⁷⁸ Dion, “Suppression,” 164.

⁷⁹ There is a *qere* reading of the demonstrative pronoun to correct the gender of the *kethib*. This is ordinarily a *qere perpetuum* (GKC §17c), but is noted explicitly by the Masoretes here.

⁸⁰ Cf. Tigay, *Deuteronomy*, 134; Dion, “Suppression,” 165.

⁸¹ Tigay reads the text more idealistically: “The text apparently deals only with the hypothetical case where the entire town is guilty. Halakhic exegesis presumes that the conduct of each adult in the town is investigated and that only those are executed against whom there is sufficient evidence of guilt” (Tigay, *Deuteronomy*, 134).

⁸² McConville, *Deuteronomy*, 240.

any other god. The view seems to be that an Israelite who unites with other gods effectively becomes a Canaanite, a lure to idolatry for the rest of Israel, whose destruction is required for the safety of the nation. The response of destruction continues in v.17 with the dramatic gathering and public burning of all of the booty of the apostate city. The evil of that city thus becomes a burnt offering to YHWH (כליל ליהוה). Even after everyone and everything is destroyed, Moses goes on to stipulate that the city “shall remain a perpetual ruin, never to be rebuilt” (והיתה תל עולם לא תבנה עוד). This eternal destruction of the city is more severe than the חרם applied to the Canaanites, where rebuilding was allowed except for Jericho (Josh.6:26). The perpetual ruin seems to remain as a monumental warning against apostasy for future generations.

The two previous cases involved warnings not to be led astray by incitement to disloyalty. In this case, the audience is not being lured by words of idolatry, but is responding to reports of others having gone astray. However, the temptation remains to be led astray by greed or association with the idolatry-contaminated goods of the city, so Moses warns against taking any of the banned things. Later in the canonical story, all Israel is described as coming under the ban (חרם) because of Achan’s theft of the banned objects of Ai (Josh.7:12). Israel must completely dissociate herself from idolatry, even when it involves her own people and her own city.

The result of obedience to this terrifying law is given in v.18b: YHWH will turn from his fierce anger (ישׁוב יהוה מחרון אפיו) and instead “show you compassion, and in his compassion multiply you, as he swore to your ancestors” (ונתן־לך רחמים ורחמך והרבך כאשר נשבע (לאבתך)). This statement brings YHWH into the case as an active and interested party. He has largely remained in the background except for the note in v.4 that he was using the false prophet as a tool for testing Israel and the relatively peripheral references to YHWH’s past promises to the patriarchs (v.18), rescue from Egypt (v.11), commands to Israel (v.6), and impending gift of the land and numerical prosperity to Israel (vv.13, 18). Otherwise the question in these cases has been various Israelite responses to YHWH and incitement to be disloyal to him, rather than any activity on YHWH’s part. But now YHWH is revealed to be waiting in the back of the courtroom to see what will happen when one of his gift cities turns against him. The disloyalty has provoked his anger, but he is patient to wait for Israel to handle the case properly, which involves the destruction of those who have turned against him. This revelation suggests that he has been carefully observing the previous two cases as well, while also possibly growing angry. In this final case, the court is compelled to choose between two horrible possibilities: utterly destroying one of Israel’s own cities for apostasy or facing the anger of YHWH. Only by putting every inhabitant, person and beast, to the edge of the sword, consuming all of the booty of the city with fire, and leaving the city as an everlasting heap of rubble, can the anger of YHWH be assuaged. The declaration of one city of Israel as חרם will limit the

destruction before YHWH declares the entire nation to be **חָרֵם**.⁸³ In a parallel case, when Achan violated the ban at Jericho, this single offense led to the threat of the destruction of the entire nation (or at least as perceived by Joshua; Josh.7:9). The rectification of the offense in the death of Achan and his family and the destruction of his stolen booty led YHWH to turn from his fierce anger (**וַיִּשְׁב**) **וַיְהוּה מַחֲרֹן אָפֹ**; Josh.7:26; nearly identical wording to Deut.13:18). The *realpolitik* of a stubborn people living in committed covenant to the demanding and exclusive YHWH can lead to difficult choices between destructive forces.

The case is summarized with another adversative **כִּי** that tells Israel what she should do instead of clinging to the booty of the doomed city: But “obey the voice of the LORD your God by keeping all his commandments that I am commanding you today, doing what is right in the sight of the LORD your God” (v.19). This exhortation, familiar within Deuteronomy (e.g. 6:1-3; 12:28; 15:5; 28:1), concludes the cases of disloyalty with a repetition of what is required from Israel. She has promised loyalty (5:27-28) and that is what YHWH both expects and demands.

Deuteronomy 13 and the Anger of YHWH

Deuteronomy 13 plays an important role in the book’s larger concern with the anger of YHWH. The primary noun for anger, **אַף**, occurs twelve times in the book.⁸⁴ In every case, YHWH’s anger is provoked by Israel (or some individual or individuals within Israel) turning to another god or gods. In each case except for two (the one within the present chapter and 29:19 [Eng.20; to be discussed below]), the result of YHWH’s anger is devastating destruction for the nation of Israel. Consider, for example, the sober warning in ch.6: “The LORD your God you shall fear; him you shall serve, and by his name alone you shall swear. Do not follow other gods (**לֹא תִלְכוּן אַחֲרֵי אֱלֹהִים אֲחֵרִים**), any of the gods of the people who are all around you, because the LORD your God, who is present with you, is a jealous God. The anger (**אַף**) of the LORD your God would be kindled (**יִחַרְרֶה**) against you and he would destroy you (**וַהֲשַׁמִּידֶךָ**) from the face of the earth” (6:13-15). Except for the two appearances in chs.13 and 29, YHWH’s **אַף** concerns national disloyalty and national destruction, not individual or regional disloyalty and destruction. The predominant message within Deuteronomy is that YHWH’s anger against the entire nation of Israel will result in her destruction (though not necessarily without restoration after YHWH’s anger passes). This anger of YHWH is provoked by national disloyalty to him.

⁸³ A related but more limited threat occurs in 7:26, where violating the ban by taking banned booty will result in the thief becoming **חָרֵם** and liable for destruction.

⁸⁴ 6:15; 7:4; 9:19; 11:17; 13:18 (Eng.17); 29:19, 22, 23, 26, 27 (Eng.20, 23, 24, 27, 28); 31:17; 32:22. It occurs one additional time (33:10), but there has its literal meaning of “nostril.” Note that the same but unrelated root **אָף** also occurs seven times as a participle (2:11, 20; 15:17; 31:27; 33:3, 20, 28).

Though this national problem is central to Deuteronomy, smaller scale disloyalty is also a concern. The two exceptional passages of Deut. 13 and 29 concern such small scale disloyalty. I briefly consider Deut. 29 before returning to ch. 13.

Deuteronomy 28 contains dramatic warnings of the curses that are prepared for disloyal⁸⁵ Israel (28:15-68), which concludes Moses' second great speech (4:44-28:68). Chapter 29 begins a section of the book that focuses on Israel's acceptance of the covenant with YHWH. Verses 17-20 (Eng. 18-21) contain a warning for any individuals or groups within otherwise loyal Israel who are secretly disloyal to YHWH but hope to avoid any consequences because of YHWH's blessing of the larger nation: "It may be that there is among you a man or woman, or a family or tribe, whose heart is already turning away from the LORD our God to serve the gods of those nations (**אֲשֶׁר לִבְבוּ פָנָה**) (29:17 Eng. 18). Moses' message to such is that they will not escape the LORD's anger: "The LORD will be unwilling to pardon them,⁸⁶ for the LORD's anger (**אַף**) and passion (**וּקְנָאתוֹ** ; lit. 'jealousy') will smoke against them. All the curses written in this book will descend on them, and the LORD will blot out their names from under heaven. The LORD will single them out from all the tribes of Israel for calamity (**וְהַבְדִּילוּ יְהוָה לְרַעַה מִכָּל**) (**שִׁבְטֵי יִשְׂרָאֵל**), in accordance with all the curses of the covenant written in this book of the law" (29:19-20 Eng. 20-21). So does this chapter teach that YHWH will act in a completely individual fashion, punishing each according to his or her own disloyalty? Though individual retribution is substantially in view, the passage also connects national disaster to these individuals. Note that Moses' words here are not explicitly directed at the disloyal minority within Israel but the loyal majority. He characterizes these individuals in terms that mark them as a danger to the entire society: "It may be that there is among you a root sprouting poisonous and bitter growth (**שֶׂרֶשׁ פֶּרֶה רֹאשׁ וְלֵעָנָה**)" (29:17 Eng. 18). Their poison of disloyalty has the potential to grow. Verse 18b (Eng. 19b) is difficult to interpret: **לְמַעַן סַפּוֹת הָרְוּהָ אֶת־הַצְּמֹאָה**, but if it is the voice of the narrator, it seems to indicate that the disloyal person will bring disaster upon the entire nation, even though the rest of the nation is not guilty.⁸⁷ The NRSV and NIV choose this interpretation, translating, "thus bringing disaster on moist and dry alike" and "this will bring disaster on the watered land as well as the dry," respectively. The idea that disloyal individuals endanger the entire nation is also implicitly confirmed by the jarring jump from this warning in vv. 17-20 (Eng. 18-21) to the scene of later generations witnessing the awful destruction of the entire nation in vv. 21ff (Eng. 22ff): "The next generation, your children who rise up after you, as well as the foreigner who comes from a distant country, will see the devastation of that

⁸⁵ While the blessings and curses of ch. 28 are predicated on generalized obedience and observance of YHWH's commands (28:1, 15), and not just disloyalty, the centrality of disloyalty appears in the summarizing statement of 28:14: "if you do not turn aside from any of the words that I am commanding you today, either to the right or to the left, *following other gods to serve them* (**לִלְכֹת אַחֲרֵי אֱלֹהִים אֲחֵרִים לְעַבְדָּם**)" (emphasis added).

⁸⁶ The Hebrew uses singular pronouns for the offender throughout, though the NRSV translates with a plural.

⁸⁷ For the two main interpretations and their merits, cf. McConville, *Deuteronomy*, 412, 417.

land and the afflictions with which the LORD has afflicted it—all its soil burned out by sulfur and salt, nothing planted, nothing sprouting, unable to support any vegetation, like the destruction of Sodom and Gomorrah, Admah and Zeboiim, which the LORD destroyed in his fierce anger (באפו ובהמתו) (29:21-22 Eng.22-23). When these witnesses of the devastation of Israel inquire why such a thing has happened, the answer will come that “they turned (lit. ‘walked,’ i.e. ‘followed’) and served other gods, worshipping them, gods whom they had not known” (29:25 Eng.26; וילכו ויעבדו אלהים אחרים וישתחוו להם אלהים אשר לא ידעום ולא חלק להם). This juxtaposition of the disloyal individual, family, or tribe and the destruction of the disloyal nation highlights the serious concern for the poisonous growth that can lead from such individual disloyalty to national disaster.

Returning to Deut.13, it becomes clear that the individual proselytizers of the first two cases constitute a serious danger to the entire nation that has YHWH as their God. If things reach the point where the third case’s condition is met—an entire city turns to other gods—the drastic punishment of devoting that city to the ban (חרם) becomes a drastic, disfiguring surgery to preserve the life of the nation. The promise that this bloodbath and incineration has the purpose “that the LORD may turn from his fierce anger” (13:18; למען ישוב יהוה מחרון אפו) is the first assurance to the executioners of this terrible punishment. Only after having noted the quieting of YHWH’s anger does Moses speak of the positive promise that YHWH will “show you compassion, and in his compassion multiply you, as he swore to your ancestors.”

HISTORICAL BACKGROUND AND ITS APPLICATION

My reading strategy for Deut.13 is a theological one, which is based on the final form of the text. However, my reading strategy does not float free of historical concerns. Language, style, and content are all dependent—to a larger or smaller degree—on their historical setting.

The principle feature of this passage’s historical setting that I consider here is the form of ANE treaty. As has been alluded to above, the discovery and study of ANE treaties over the past decades has powerfully illuminated the reading of Deuteronomy. That the book reflects much of the form, language, and content of ANE suzerainty treaties is sufficiently well known that the evidence does not need to be repeated here. Though these parallels initially gave great promise that Deuteronomy’s historical setting(s)⁸⁸ would be able to be precisely located, the persistence of these treaty forms across wide expanses of time has dimmed these hopes. As Weinfeld summarizes it,⁸⁹ Mendenhall first pointed out the strong parallels between ANE treaties and Deuteronomy.⁹⁰ His initial suggestion that the structural connection to the second millennium Hittite form was stronger than that

⁸⁸ I note a possible plural here because of the evidence that the final form of Deuteronomy may be the result of the work of authors and editors from disparate settings.

⁸⁹ Weinfeld, *Deuteronomics*, 59-61.

⁹⁰ George E. Mendenhall, “Covenant Forms in Israelite Tradition,” *Biblical Archaeologist* 17 (1954): 50-76.

to the first millennium neo-Assyrian led some to locate Deuteronomy in this time period. However, the distinction between these treaty forms was undermined by the later discovery of the *Vassal Treaties of Esarhaddon (VTE)*, which, along with other finds, has blurred the distinction between treaties of the different ages. In his widely regarded work, McCarthy claims an essential unity in ANE treaty forms in the second and first millennia.⁹¹ While others would not go this far, the treaty form itself is not enough to decide between competing theories for dating Deuteronomy.⁹²

However, my point is not a negative one—that the dating of Deuteronomy is fundamentally undecidable. For surely other evidence and reasoning beyond the ANE treaty forms are relevant to the study. Rather, it seems that good use can be made of Deuteronomy’s connection to these treaty forms even while the book’s precise historical setting remains somewhat unclear. Deuteronomy’s resistance to precise dating demonstrates more about the breadth of the historical traditions it draws upon than any failure of the historical program of study. The very fact that the treaty forms are relatively stable over time means that a historically sensitive interpretation of the book can be offered based on Deuteronomy’s use of these stable features.⁹³

I am not arguing that Deuteronomy’s historical setting is unimportant, as if it should be read without contact between it and the world of its composition. It is important to recognize that the chasm between the culture of the modern interpreter and that of the ancient text is more than 2,000 years. There are features of ANE life and culture that are critical for interpreting Deuteronomy well. To read with assumptions of modern life and culture can be misleading. Deuteronomy may not be datable within a good portion of a millennium, but the fact of its distance from the modern world means that interpretation depends at least upon building cross-cultural understanding across that distance, even if the precise location of the source remains uncertain.

⁹¹ Based on this unity, he concludes, “In view of the many points of continuity between first and second millennium it would be dangerous to conclude to a total break between the two sets of treaties and then use this break as a criterion of date” (Dennis J. McCarthy, *Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and in the Old Testament* [Rome: Biblical Institute Press, 1981], 153).

⁹² E.g. Dion seems to acknowledge the consistency of the treaty form between the Hittites and Assyrians (Dion, “Suppression,” 196), but argues that “the closer to 672 BC one places the composition of Deuteronomy 13, the easier to understand are its precise contacts with the vassal treaties of Esarhaddon” (Dion, “Suppression,” 204–5). Craigie prefers a 2nd millennium date, but cautions, “It must be added that the Near Eastern textual parallels do not necessarily provide absolutely firm evidence for dating Deuteronomy either in the early period or the later period.” He helpfully notes that Deuteronomy is an adaptation of existing forms, which would naturally lead to differences between its form and that of the political treaty genre upon which it is based (Craigie, *Deuteronomy*, 27). Wiseman notes, “The structure, form(ularies), and to a surprisingly large extent the language, of these oath-bound covenants are common to the peoples of the ancient near east from the fourth millennium down to the Hellenistic and Roman Periods. . . . Attempts to use the ‘structure’ to determine date, e.g. distinguishing a second or first millennium origin of a treaty from the inclusion or omission of a historical prologue, the order of elements (such as witness and blessings or curses) as applied to the Deuteronomic writings, have been shown to be unreliable” (Donald J. Wiseman, “‘Is it Peace?’: Covenant and Diplomacy,” *VT* 32:3 [1982]: 311–2).

⁹³ Mayes makes the important point that interpretation of Deuteronomy should not make too much of the relationship between the book and ANE treaties: “In its present form Deuteronomy is not a treaty document; it is not presented as such. . . . So in its present form the book of Deuteronomy cannot be held to follow exactly the form of treaty, which in turn means that it cannot simply be taken as a ‘literary imitation’ of the treaties” (Mayes, *Deuteronomy*, 34).

In the remainder of this section, I consider two significant historical issues where the context of Deuteronomy is foreign to a modern reader. First is the ANE treaty form itself, so I consider the features of this form that are relevant to Deut.13 and their implications for its interpretation. Second, it is important to note that the author(s) of Deuteronomy used the genre of a political treaty to communicate Israel's relationship to YHWH. This close relationship between secular politics and sacred religion that is reflected in Deut.13 and in the entire book is at odds with modern thought where politics and religion are kept some distance apart. In the second section below, I consider Israel's fusion of her religious and political life.

ANE Treaties and Deuteronomy 13

The basic emphases of Deuteronomy overlap with the elements it shares with ANE treaties. Of most interest for Deut.13 are these three: First, YHWH demands Israel's wholehearted and undivided loyalty, which is predicated on his previous acts on her behalf. Second, YHWH stipulates how Israel will structure her life under him as her God/Great King.⁹⁴ Finally, YHWH promises blessings and/or curses in Israel's future that depend upon her honoring his position of authority over her.

Deuteronomy 13 plays a pivotal role within these three elements. Peripherally, it acknowledges YHWH's beneficent acts for Israel in his promises to her ancestors (v.18), his rescue of her from slavery in Egypt (vv.6, 11), and his gift of Canaan as her own land (v.13). But centrally, it focuses on YHWH's demand for Israel's undiluted loyalty, how YHWH stipulates that disloyalty be punished, and the spectre of cursing if disloyalty grows. Loyalty to YHWH means that Israel must obey his commands in all of their breadth (v.19), but most importantly, as the foundation for these commands, she is commanded to be unflinching in her commitment to YHWH as her God. This devotion is expressed emphatically and positively in the six imperatives of v.6. It is expressed negatively in the three cases of incitement to disloyalty and the necessary legal consequences for the proselytizers (cases 1 and 2) and their victims (case 3). The parallel between this demand for religious loyalty and similar ANE demands for political loyalty is potently described by Dion: "Just replace 'other gods' by 'other kings,' and you obtain a piece of legislation against *political* subversion, which would make perfect sense in the authoritarian monarchies of the ancient Near East."⁹⁵

It is precisely this demand of exclusive loyalty, which ANE treaties express as being to a god, gods, human leader, or some combination of these, that permeates Deuteronomy in general and ch.13 in particular. The loyalty demand—and the severe consequences for urging disobedience to it—is as

⁹⁴ Though I do not want to equate these two terms, the analogy between Israel's covenant with YHWH and a vassal's treaty with a suzerain points to a literary correspondence between the two.

⁹⁵ Dion, "Suppression," 197-8; emphasis original. Weinfeld agrees, "The religious treason here is described and combated just as if it were political treason" (Weinfeld, *Deuteronomics*, 92). Tigay writes, "There are close parallels to these provisions [i.e. Deut.13] in laws against sedition in ancient treaties and similar texts" (Tigay, *Deuteronomy*, 128).

crucial for the maintenance of the societal vision of the Great King for Deuteronomy's Israel as it was for the Hittites or the Assyrians. While a modern interpreter is obviously permitted to seek modern relevance by "spiritualizing" this text, severing it from its political roots, a modern understanding of YHWH as portrayed in the ancient text necessitates interaction with this historical background.⁹⁶

So what is the central point of Deut. 13 within the ANE political context? In these ANE treaties, rebellion against the Great King was of considerable concern.⁹⁷ *VTE* focuses on this one problem and provides a worthwhile example for consideration at some depth.⁹⁸ The neo-Assyrian king Esarhaddon wrote this treaty to ensure that his vassals would be faithful to his son Ashurbanipal, the crown prince. Frankena describes its stipulations in this way: "In the 32 paragraphs of the treaty stipulations Esarhaddon tries to be exhaustive in mentioning the possibilities of rebellion after his death, because he certainly will spare his son the trouble he had seen himself after the death of his father Sennacherib. There is no doubt that most stipulations draw upon real events and that a great amount of human experience lies behind the clauses. Esarhaddon gives so many useful details for a rebellion in this section that the treaty might be regarded as a handbook for a future usurper."⁹⁹ Of particular relevance for the first two cases of Deut. 13 is this clause from *VTE*:

If any (of you) hears some wrong, evil, unseemly plan which is improper or detrimental to the crown prince designate Ashurbanipal, son of your lord Esarhaddon, king of Assyria, whether they be spoken by his enemy or his ally, by his brothers, by his sons, by his daughters, by his brothers, his father's brothers, his cousins, or any other member of his father's lineage, or by *your own brothers, sons, or daughters, or by a prophet, an ecstatic, a dream-interpreter*, or by any human being whatsoever, and conceals it, does not come and report it to the crown prince designate Ashurbanipal, son of Esarhaddon, king of Assyria—¹⁰⁰

In addition to his other feared sources of rebellion, Esarhaddon shares Deuteronomy's anxiety about people heeding rebellious prophets and concealing plotting family members.

Esarhaddon expects more than the reporting of sedition. If the disloyalty actually poses a concrete threat to the crown prince, his vassal must do everything possible to kill the traitor:

If anyone instigates you to a revolt or rebellion against the crown prince designate Ashurbanipal, son of your lord Esarhaddon, king of Assyria, concerning whom he has established (this) treaty with you, in order to kill, harm and destroy him, and you, upon hearing such a thing from anybody, do not seize the instigators of the revolt, do not bring them before the crown prince designate Ashurbanipal, (and) if you, being able to seize and kill them, do not seize and kill them, do not eradicate their name and descendents from the

⁹⁶ While beyond the scope of this essay, some engagement with the methodological question of doing theology with an ancient text while reading from a modern standpoint would be helpful here in order to justify my choice of the word "necessitates"!

⁹⁷ Weinfeld writes, "Warnings of the type found in Deut. 13 are encountered in Hittite, Aramean, and neo-Assyrian political treaties; indeed they constitute the principal subject-matter of these treaties" (Weinfeld, *Deuteronomic*, 92).

⁹⁸ More extensive lists of ANE parallels to the concerns of Deut. 13 can be found in Weinfeld, *Deuteronomic*, 91-100 and Dion, "Suppression," 199-204.

⁹⁹ R. Frankena, "The Vassal-Treaties of Esarhaddon and the Dating of Deuteronomy," *OTS* 14 (1965): 128.

¹⁰⁰ *VTE* II.108ff. (*ANET*, 535d); emphasis added.

country, or, being unable to seize and kill them, you do not inform the crown prince designate Ashurbanipal, do not stand by him and seize and kill the instigators of the revolt—¹⁰¹

In addition, like Deut.13, the treaty stipulates that one must not listen to rebellious words: “If someone in the palace starts a revolt, whether by day or by night, whether on the road or in the hinterland, against Esarhaddon, king of Assyria, you must not listen to him.”¹⁰² On the positive side, the treaty demands that one love the Great King: “If you do not love the crown prince designate Ashurbanipal, son of your lord Esarhaddon, king of Assyria, as you do your own lives....”¹⁰³

Finally, the treaty provides vivid and harrowing curses upon those who rebel, which are comparable with the curses of Deut.28 for disobedience to YHWH. Without examining these graphic curses here, the threats behind this treaty are summarized well by the words that are to be spoken to the future generations:

If you do not say and do not give orders to your sons, grandsons, to your offspring, to your descendants, who will live in the future after this treaty, saying: “Keep this treaty, do not sin against this treaty with you, lest you lose your lives, deliver your land to destruction, and your people to be deported. Let this order, which is acceptable to god and man, be acceptable to you too, let it be pleasing to you. Let Ashurbanipal, the crown prince designate, be preserved to be lord over the land and the people, and later be called to kingship. Do not set over yourselves another king, another lord.”—¹⁰⁴

Although *VTE* does not explicitly refer to the situation of the third case in Deut.13—the rebellion of an entire city¹⁰⁵—it should be noted that the treaty is made with a vassal leader, not directly with individuals of the population. Rebellion by this leader would be somewhat analogous with the rebellion of a city in Deuteronomy, which Esarhaddon promises to punish with destruction of the leader’s land.

In summary, *VTE* is concerned with religiously inspired voices and those of intimates who might incite rebellion against the crown prince. It is committed to killing those who actually threaten the crown prince’s sovereignty. It is concerned that the treaty partners not listen to incitement to rebellion, but love the crown prince as their own lives. If the treaty partners, who are rulers of vassal lands, do rebel against the crown prince, their lands will be destroyed, and they themselves will be killed. All of these features are present in Deut.13 as well.

Although these treaties do not provide a political philosophy for understanding their concerns about rebellion, it should be clear that the stability of the society under the Great King fundamentally depends upon the quelling of sedition. Treason is both a crime against the ruler and a crime against the entire community, which depends upon the governmental structures that underpin it. As Hobbes

¹⁰¹ *VTE* II.130ff. (*ANET*, 535d-536a).

¹⁰² *VTE* II.198ff. (*ANET*, 536c).

¹⁰³ *VTE* II.266ff. (*ANET*, 537a).

¹⁰⁴ *VTE* c. II.287ff. (*ANET*, 537b).

¹⁰⁵ Though the Sefire III treaty does consider the case of an entire city being guilty of killing the sovereign: “If it is a city, you must strike it with a sword” (Joseph A. Fitzmeyer, *Aramaic Inscriptions of Sefire* [Rome: Pontifical Biblical Institute, 1967], Sefire III, II.12-13, pp.98-9; cf. his text critical note, p.114).

describes it, treason is more than a crime. For while simple crime challenges a government's stipulations, treason seeks to undermine the government itself, thus deserving the worst punishment. He writes, "Facts of hostility against the present state of the Common-wealth, are greater Crimes, than the same acts done to private men: For the damage extends it selfe to all."¹⁰⁶ Treason threatens the entire people.

As the ANE treaties express an anxiety about disloyalty to the Great King and a determination to maintain a realm of thoroughgoing loyalty and unchallenged power, Deut.13 demonstrates an analogous concern for maintaining Israel's loyalty to YHWH by de-centering other loyalties and harshly punishing those who would promote rebellion.

Israel's Fusion of the Religious and the Political

The separation of the political and the religious is an important feature of modernity. So it is somewhat confusing for modern readers to interpret Deuteronomy, which uses the predominantly secular form of the ANE political treaty (though these nonetheless have important religious dimensions) to present the religious relationship between Israel and YHWH (though this has important political dimensions). It is important to realize that Israel, along with the rest of the ANE, does not separate religion and politics. In fact, it can be argued that the very idea of "religion" is a modern concept that results from the definition of the modern nation-state.¹⁰⁷ Israel's literature does not reflect the division between these spheres that comes so naturally to modern readers. Weinfeld comments, "Political and religious aspects, particularly in the Israelite covenant, were fused to such an extent, however, that it is sometimes difficult to distinguish between them."¹⁰⁸ Political understanding informs Israel's theology and theological understanding informs her politics.

Because typical modern readers are more comfortable with separating these ideas, two polarized approaches to interpretation present themselves in the modern context: reading Deuteronomy as purely political or as purely religious. At one pole is an approach that sees both the ANE treaties and Deuteronomy as dealing only with human political machinations. In such a view, the ANE kings brought the gods into their political treaties for the kings' own purposes and the writers, editors, and propagators of Deuteronomy did the same. An example of this sort of interpretation might go like this: based on the connection between the reforms of king Josiah of Judah recorded in 2Kgs 23:4-27 and the characteristic stipulations of Deuteronomy,¹⁰⁹ one could conclude that Deuteronomy was written during his reign as a powerful recollection of the foundational words of Moses to the nascent Israel as

¹⁰⁶ Thomas Hobbes, *Leviathan* (ed. Francis B. Randall; New York: Washington Square, 1964), 219.

¹⁰⁷ Nicholas Lash, "The Beginning and the End of 'Religion,'" in *The Beginning and the End of 'Religion'* (Cambridge: CUP, 1996), 3-25.

¹⁰⁸ Weinfeld, *Deuteronomism*, 100.

¹⁰⁹ For a summary of the correspondence between Josiah's reign and Deuteronomy, cf. Raymond B. Dillard and Tremper Longman III, *An Introduction to the Old Testament* (Grand Rapids: Zondervan, 1994), 93-4.

she anticipated entering Canaan to begin her life as the glorious people of YHWH. Josiah then could be seen to use this composition to justify his political goals by placing them in continuity with Israel's ancient understanding of herself and by characterizing them as divinely required obedience to YHWH's commands. On this purely political reading, just as the ANE kings demanded the undivided loyalty of their subjects—with the agreement of the gods, of course—Josiah would be seen to demand the undivided loyalty of his subjects by projecting his political program as a religious program under YHWH. In other words, the demand for loyalty to YHWH—as described in Deuteronomy, his political manifesto—translates straightforwardly into a demand to all of Israel that she be loyal to Josiah.

A polar opposite approach would be to take the political treaties of the ANE¹¹⁰ and use them in a more metaphorical fashion to illuminate a wholly religious (and a-political) understanding of Deuteronomy. Such a reading would cast the language of “follow” (הלך אחריו), “fear” (ירא), “listen” (שמע), “keep/obey” (שמר), “serve” (עבד), and “cling to” (רבק) into an individualistic, emotional, psychological, pietistic or religiously devotional form. Such an approach might understand YHWH as demanding a kind of loyalty that bears some resemblance to one's loyalty to governmental powers, but without pressing the metaphor too far. In other words, such an approach might see YHWH's concerns as separate from and largely non-competitive with the concerns of day-to-day political life. The king has his domain and YHWH has his.

Eschewing these two polar approaches means recognizing that Deuteronomy brings religious and political realities together in a complex and interactive way. One example of such a melded religio-political understanding of Josiah's use of Deuteronomy is suggested by Frankena. His reconstruction deserves quotation at some length:

After the death of Ashurbanipal, the empire of Assyria was politically on its decline. The policy of Josiah, therefore, was consistent with the general historical situation. Assyria had no longer the power to punish a refractory vassal thus enabling Josiah to renew the Covenant with Yahweh and to show by this his regained political and religious independence of Assyria. Consequently he and his people had no longer to serve the Assyrian king as their lord and to revere Ashur in addition to Yahweh, but could return to the religion of their fathers by removing from their midst all the hated vestiges of Assyrian influence and by abolishing the cults of foreign gods, the existence of which the Old Testament admits (2 Kings xxiii 4f.). Henceforth Yahweh will be the real and only King of Judah and the power of the earthly king, His anointed, must be held within well-defined bounds (Deut. xvii 14-20): he must remain humble, fearing Yahweh and keeping his commandments. The religious reform of Josiah was directed against Assyria and it is therefore tempting to regard the renewed Covenant with Yahweh as a substitution of the former treaty with the king of Assyria. Judah, being no more a vassal of Assyria, becomes a vassal of Yahweh again: instead of loving the Assyrian king they

¹¹⁰ The religious aspects of the ANE treaties are rarely taken seriously, since the polytheistic worldview of the non-Israelite ANE cultures are understood by most modern readers to be patently false. In other words, while modern faith communities may take their religious lead from Deuteronomy, interest in the interaction between politics and religion in other ANE cultures is largely limited to students of the history of religion and then only for scholarly purposes.

will love Yahweh with whole their being [*sic*] (Deut. vi 5) and show this in their behaviour in daily life, by listening to the commandments of Yahweh and by acting according to them.¹¹¹

Frankena shows remarkable balance here as he weaves Assyrian politics and religion together with Israelite politics and religion. It should be clear that Josiah's reforms involved positive statements about Israel's religion and polity and negative statements about her commitment to Assyrian religion and politics.

Furthermore, plentiful evidence exists in the historical portions of the OT that religion and politics were deeply fused in Israel's life. In particular, prophets both anointed kings—conferring authority upon them—and challenged that authority when it deviated from the prophet's understanding of YHWH's values. Since the king wields coercive force, political and ideological clashes between kings and prophets could become bloody. Dion cites a number of examples, commenting, “There is good evidence for political subversion and its ruthless suppression. Prophets were often involved in revolutionary activities....”¹¹² Of course, “revolutionary” here means in opposition to the currently prevailing authority. His examples include Ahijah (1Kgs.11:29-39), Elisha (2Kgs.9:1-10), Amos (Amos 7:10-13), and Uriah son of Shemaiah (Jer.26:20-23).¹¹³ Prophets did not always oppose the kings, but were also makers of kings (e.g. Samuel anointing Saul, 1Sam.9:17-10:1). In Israel's understanding, human authority comes from and must submit to divine authority. But since the divine word is spoken by human mouthpieces—who are not necessarily trustworthy—political conflict is the inevitable result.

My approach to interpreting Deuteronomy moves beyond and inverts the approach to Israel's conflation of politics and religion illustrated above. Rather than reconstruct the ancient combination of politics and religion (which would be to cast ancient history in modern categories) that may underlie the composition and use of Deuteronomy in the ancient world, I look beyond modern religious categories alone to include modern political ideas for hints on understanding the depiction of YHWH in the ancient book. For it seems to me that the category of religion, as understood in a modern context, is too impoverished to understand what is going on in the text. Weinfeld writes, “It must be said that, although the passage in Deut.13 seems to be concerned only with religious loyalty to the God of Israel, the laws actually served to guarantee the political-national allegiance of the people no

¹¹¹ Frankena, “Vassal,” 152-3. Weinfeld is supportive of this reconstruction: “Frankena's suggestion that Josiah's covenant with God was considered as a substitute for the former treaty with the King of Assyria and that it thereby expressed vassalship to Yahweh instead of vassalship to the King of Assyria is very plausible, and it explains the similarity between the warnings against sedition in the political treaties and in Deut. 13” (Weinfeld, *Deuteronomic*, 100). Although Frankena goes on to date Deuteronomy to this time period, which may be valid, my concern is less to establish a firm date for the text than to understand its features within the general structure of ANE understanding.

¹¹² Dion, “Suppression,” 198.

¹¹³ Also relevant to Deut.13 is the example of Saul putting the city of Nob to the sword for Ahimelech the priest supporting David, the apparent usurper (1Sam.22:9-19).

less than their religious allegiance.”¹¹⁴ He is correct that Deut.13 concern both Israel’s religion and her politics (again, using these terms in a modern sense), so understanding YHWH requires both categories of modern thought. A modern understanding of this passage is facilitated by reconceiving the categories of interpretation such that the dichotomy between religion and politics might be relaxed. I thus turn to the topic of YHWH and modern politics.

YHWH AND MODERN POLITICS

How can Deut.13 be understood by a modern reader in a more “at home” sense than simply as an ancient artifact of remote culture that is of some interest to study as a strange object? Can Deut.13 be seen in relation to a modern newspaper rather than being more at home in a remote museum? Are the demanding YHWH and his harsh, self-aggrandizing laws completely foreign to modern life? Or are there “gods” within modern life that bear enough similarity to YHWH to enable a modern reader to begin to sympathize with YHWH and the Israelites who worshipped him? At first suggestion, such parallels may seem unlikely. After all, YHWH stands over both Israel’s religious faith and her civil government. Such intersections between religious belief and the sword of civil government have a (somewhat justifiably) sullied reputation in modern Western thought. Religion is no longer seen as something worth killing over—full stop.¹¹⁵ But does this mean that the capitally punished disloyalty of Deut.13 has no parallel in modern life? Is YHWH completely foreign? Is the loyalty he demands and enforces completely detached from modernity? Is there nothing in modern life that claims people’s loyalty and wields a “sword” to enforce that loyalty?

Suppression of Disloyalty in the Modern World

As discussed above, I propose transposing the ancient text into a modern context through a combination of both modern political and religious categories. Modern religious categories are unlikely to correlate well with Deut.13. The reason for this is straightforward. First, the modern state holds a monopoly on coercive force, i.e. the wielding of the sword. Therefore, in the modern world the state would be responsible for punishing the modern equivalent of the religious offenders of Deut.13. But the modern state has no interest in private religious matters, so would not rule any legitimate religious observance to be a matter of state concern and certainly not something to be punished. However, the critical point here is *legitimate* religious observance. The modern state may not express any preference for private religious activity; however a modern religion is only legitimate in the eyes of the state if it is subordinate to the state. A legitimate religion must not challenge the state’s overruling authority. Modern religion must be subordinate to the state. Rousseau expressed it most

¹¹⁴ Weinfeld, *Deuteronomic*, 100.

¹¹⁵ The rise of militant, political Islam in recent years certainly stands against this claim, however I do not consider this movement to belong under my moniker of “modern,” by which I denote a collection of tenets, such as endorsement of liberal democracy, capitalism, individualism, etc.

succinctly: “[Legal] tolerance should be given to all religions that tolerate others, so long as their dogmas contain nothing contrary to the duties of citizenship.”¹¹⁶ In other words, an individual may express loyalty to a religion as long as such does not interfere with other individuals’ religious loyalty or state loyalty. Within such a constraint, the Israelite religion, which demands the worship of YHWH alone, is clearly illegal by modern standards. As expressed in the laws of Deut. 13, loyalty to YHWH implies intolerance of other religions—proselytizers for other gods are to be put to death. Furthermore, loyalty to YHWH is not completely consonant with the duties of citizenship, if that citizenship requires loyalty to other gods, as was required in any number of ancient empires that understood the Great King to be the chosen servant of the Great God.

If modern religion is unable to provide insight into the life-and-death demand for undivided loyalty to YHWH in Deut. 13, what about modern politics? Do modern empires demand the loyalty of their citizens to modern “gods”? Does the modern state bear any resemblance to YHWH in its demand for supreme loyalty? Such a suggestion may seem unlikely, for the proponents of the modern state are proud of its broad tolerance of dissent and its non-absolutist stance. It is commonly thought that the modern world is tolerant and non-absolutist, while religion is intolerant and absolutist. But is it true that YHWH is incomparably more absolutist and demanding than the modern state? In the early explorations of modern political philosophy, Thomas Hobbes advocated a national system based on absolute monarchies. In today’s world of liberal democracies, the idea of such an autocracy seems distant and distasteful. However, one of Hobbes’ modern editors cautions that warm feelings of tolerance can abate when a state feels real fear and faces real threats:

We constantly proclaim that individual liberty, the right to dissent from other people and from the government, is the sweetest and most valuable thing in our lives. We are thinking of silly, harmless religious sects and radical groups, and of people who wear outlandish clothes; we fear nothing from them. For Hobbes, dissent meant the religious strife that was tearing his England and his Europe apart. Many of the Catholic and Protestant groups of his day were well-organized, well-armed political parties that aimed at absolute domination of their countries and were more than eager to bring on civil war to win their aims. ... When we *do* fear religious sects (such [as] the Mormons in the nineteenth century) or radical groups (such as the Communists) or people who wear outlandish clothes (such as transvestite homosexuals), our Jeffersonian government turns quite Hobbesian.¹¹⁷

So is it true that the apparently non-absolutist nature of liberal democracy is actually an illusion? In an article that quarrels with attempts to partition belief systems into “religious” and “secular,” in order to identify the “religious” as more prone to violence than the “secular,” Cavanaugh argues that so-called “secular” ideologies can be as absolutist as any. He disagrees with those who conclude that a “religious” sphere can be separated out by such characteristics as absoluteness, divisiveness, and irrationality. He writes, “There is no reason to suppose that so-called secular ideologies such as

¹¹⁶ Jean-Jacques Rousseau, *The Social Contract* (trans. G.D.H. Cole; London: J.M. Dent & Sons, 1961), 115.

¹¹⁷ Francis B. Randall, introduction to *Leviathan*, by Thomas Hobbes (ed. Francis B. Randall; New York: Washington Square, 1964), xviii-xix (emphasis original).

nationalism, patriotism, capitalism, Marxism, and liberalism are any less prone to be absolutist, divisive, and irrational than belief in, for example, the biblical God.”¹¹⁸ Turning around Marty’s five “features” that mark a religion,¹¹⁹ Cavanaugh contends, “Belief in the righteousness of the United States and its solemn duty to impose liberal democracy on the rest of the world has all the ultimate concern, community, myth, ritual, and required behavior of any so-called religion.”¹²⁰

Unsatisfied with simply portraying Americanism as having similar features to a religion, Cavanaugh goes on to propose an empirical test for whether something can be termed “absolute”:

An empirically testable definition of “absolute,” then, might be “that for which one is willing to kill.” This test has the advantage of covering behavior, and not simply what one claims to believe. Now let us ask the following two questions: What percentage of Americans who identify themselves as Christians would be willing to kill for their Christian faith? What percentage would be willing to kill for their country? Whether we attempt to answer these questions by survey or by observing American Christians’ behavior in wartime, it seems clear that, at least among American Christians, the nation-state—Hobbes’ “mortal god”—is subject to far more absolutist fervor than “religion.”¹²¹

Now, Cavanaugh is making a dramatic point about the supposed connection between religion and violence, which is not my point.¹²² Returning to Deut. 13, the question is whether modern readers can find an analogy for understanding YHWH’s absolute demand—which is worth killing over—for Israel’s loyalty. It seems that the wars for the American way—which is only a particular brand of the way of the modern state—against fascism, communism, drugs, and terrorism are part of the answer. The modern state proclaims that it makes only modest claims upon its citizens, however the claims it makes that the modern, liberal, democratic, capitalistic system is good, right, just (or at least better, more right, and more just than the alternatives), universal, and deserving of defense contain more than a hint of absolutism.

Turning from war to smaller scale concern about disloyalty, the modern state as embodied in America has regularly brought coercive force against individuals who threaten its way of life. It is worth noting that many commentators explain the harshness of the capital punishment prescribed in Deut. 13 by analogy with treason.¹²³ The modern state understands treason as a threat and Deut. 13 views disloyalty to YHWH in a similar way. In the modern world, the threat posed by disloyal individuals necessitates huge efforts to discover such people through surveillance and to prosecute

¹¹⁸ William T. Cavanaugh, “The Violence of ‘Religion’: Examining a Prevalent Myth” (paper presented at Kellogg Institute for International Studies Working Papers, 2004), 29.

¹¹⁹ Martin E. Marty and Jonathan Moore, *Politics, Religion, and the Common Good* (San Francisco: Jossey-Bass, 2000), 10-14.

¹²⁰ Cavanaugh, “Violence,” 29.

¹²¹ Cavanaugh, “Violence,” 31.

¹²² In particular, it seems unfair to ask how many Christians are willing to kill for their faith in order to demonstrate its absoluteness. Christ’s example of dying for—rather than killing—his adversaries provides an alternative form of absolute commitment.

¹²³ Tigay, *Deuteronomy*, 128-33; McConville, *Deuteronomy*, 238; Wright, *Deuteronomy*, 173-4; Dion, “Suppression,” 197-8; Weinfeld, *Deuteronomics*, 92.

them under laws designed to protect the state. Over the past decades and up until the present, various types of people have been targets of state concern because they put other concerns above the good of the state. Suspected fascists and communists in the past, drug importers and dealers more recently, terrorists, and sympathizers with radical Islam today are the targets of meticulous and costly police efforts. Such people are perceived to threaten the core values of the American way through seditious (though not always described with such a term) activity. Such threats need to be nipped in the bud. Putting such traitors to death may be relatively rare—though not unheard of. But devastating punishments of long imprisonment or shattered public credibility are not uncommon occurrences. When communism was a threat, McCarthyism imprisoned hundreds and ruined the careers of thousands.¹²⁴ In the current war on terror, the number of lives destroyed by being linked with terrorism is impossible to define, much less count. However, as a bare starting point, the United States Department of Defense lists 759 individuals who have been detained at the Guantanamo Bay detainment camp from Jan 2002 to May 2006.¹²⁵ It seems the burden of proof might be with the modern world to demonstrate that it is more tolerant of dissent than YHWH's Israel. Though the historical record is far from transparent or complete, there is no evidence that any traitors to Yahwism were actually sentenced under the law of Deut.13, despite the persistent presence of idolatry within Israel for centuries.¹²⁶

My point here is neither to justify YHWH's command to kill those inciting idolatry nor to condemn punishment of traitors to modern states. Rather, I hope to bring these two ideas together so that those who endorse one or both, or condemn one and both, may realize that the similar concerns and actions of the two suggest that each may illuminate the other.

Escalation: Growth of Punishment from Individual to Nation

Deut.13 commands drastic measures against individual and regional disloyalty before the important backdrop of a far larger threat that hangs over the entire nation. If the prosecution of (or the refusal to prosecute) this law fails to stem the growing poison of disloyalty, YHWH promises an anger that will grow to a level potent enough to destroy the entire nation. Thus the threat of idolatry spans a spectrum from an individual idolater (Deut.17:1-7), to an individual proselytizer (Deut.13:2-12), an idolatrous city (Deut.13:13-19), as far as the tragedy of the entire nation turning from YHWH to other gods (e.g. 4:1-40; 28:15-68; 31:14-32:47). The penalty in each case is death and destruction. YHWH delegates

¹²⁴ Ellen Schrecker, *Many Are the Crimes: McCarthyism in America* (Boston: Little, Brown, 1998), xiii. McCarthyism is often and rightly criticized. However, the reality of the Communist threat to America is difficult to characterize precisely. The excesses of McCarthyism were probably more from confusing dissent for disloyalty rather than wrongly seeing disloyalty as dangerous to the state.

¹²⁵ United States Department of Defense, "List of Individuals Detained by the Department of Defense at Guantanamo Bay, Cuba from January 2002 through May 15, 2006," n.p. cited 16 Aug 2006. Online: <http://www.dod.mil/pubs/foi/detainees/detaineesFOIArelease15May2006.pdf>.

¹²⁶ Hamilton takes this position, but from the point-of-view of the text being exilic (Hamilton, "Abhorrent," 23).

the role of executioner to the leadership of Israel. However, if the poison of idolatry spreads beyond isolated pockets and engulfs the nation, YHWH will take upon himself the work of execution.

Depicted as YHWH's anger, the smaller scale idolatry incites him, but human management of the problem turns him from his anger. Without human intervention, YHWH's anger grows to the point of unleashing destruction from his own power.

This transition from small scale prosecution to utter destruction corresponds to the modern transition from law enforcement to war. The control of terrorism provides a contemporary example. In America, the police are charged with searching out terrorist activity, gathering evidence against terrorists, and arresting and bringing charges against suspected terrorists. The judiciary then tries the accused and finally the executive branch punishes the convicted. Such work is increasingly trans-national as other national governments are encouraged to join the police work against terrorism. Police, judiciaries, and executive governments work together in this task to the degree that common goals and abilities bring them together. As long as work of this type and on this scale achieves the desired effect of stopping terrorism from threatening the American state (and its worldwide interests), there is no need to escalate the prosecution of terrorism.

However, if law enforcement fails to quell terrorism, more drastic measures are deemed necessary. This, unfortunately, has been the case in the war on terror. Less than a month after the 9/11 attacks, the United States attacked Afghanistan because its Taliban government was deemed to have failed to support America's commitment to prosecute terrorists within that nation. President Bush announced, "More than two weeks ago, I gave Taliban leaders a series of clear and specific demands: Close terrorist training camps; hand over leaders of the al Qaeda network; and return all foreign nationals, including American citizens, unjustly detained in your country. None of these demands were met. And now the Taliban will pay a price. By destroying camps and disrupting communications, we will make it more difficult for the terror network to train new recruits and coordinate their evil plans."¹²⁷ Police action and government cooperation failed to accomplish the American anti-terrorist demands and so the mode of control shifted to warfare. The president went on in his speech to warn the rest of the world: "Today we focus on Afghanistan, but the battle is broader. Every nation has a choice to make. In this conflict, there is no neutral ground. If any government sponsors the outlaws and killers of innocents, they have become outlaws and murderers, themselves. And they will take that lonely path at their own peril."¹²⁸

The shift from police action to military warfare necessitates practical changes in the way that force is used. When terrorist activity is small-scale and unsupported by the community, police can act

¹²⁷ George W. Bush, "Presidential Address to the Nation (October 7, 2001)," n.p. cited 11 Aug 2006. Online: <http://www.whitehouse.gov/news/releases/2001/10/20011007-8.html>.

¹²⁸ Bush, "Afghanistan."

“freedom,” be unchallenged.¹³² In each case some people are committed to destroying the society because of a competing ideology. Therefore serious efforts are made to limit such seditious activity. YHWH commands capital punishment for those who advocate transferring loyalty to other gods. America, with its tradition of free speech, is more restrained on outlawing advocacy of loyalty to other ways of life. However, when the speech crosses the line and becomes a substantial threat, legal action is taken against such voices. For example, United Nations Security Council Resolution 1624 “calls upon all States to...prohibit by law incitement to commit a terrorist act or acts.”¹³³ YHWH commands people not to provide safe haven for those inciting disloyalty. The UN resolution likewise commands member states to adopt appropriate measures to “deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of such conduct [i.e. incitement to commit a terrorist act].”¹³⁴ If a foreign state is unable to control terrorist activity within its borders, presumably even with more drastic action than normal law enforcement, the United States is clearly committed to wielding its military might against that nation, even as far as to force a change in that nation’s government to one more supportive of American ideological commitments. YHWH likewise promises to wield his anger, with all of its terrible consequences, upon Israel if she fails to rein in idolatry that threatens YHWH’s ideology. The hope in both cases is that the devastated nation will rise again, but with commitments aligned to the vision of America/YHWH (cf. Deut.4:29-30; 30:1-10).

The Spectre of Totalitarianism

Some commentators express discomfort with the second case of Deut.13 because intimates are commanded to turn against those closest to them who reject absolute loyalty to YHWH. McConville writes, “This has the hallmarks of totalitarianism, a system of informing on neighbours and therefore of deep mistrust. ... The provision for all members of the community to become a sort of ‘secret

¹³² The charges against Islamic extremist terrorists vary. They are sometimes charged with the straightforward crime of killing innocent people (Bush, “Afghanistan”), but one of many examples of the broader ideological charge is in President Bush’s speech in response to the 9/11 attacks: “On September the 11th, enemies of freedom committed an act of war against our country” (George W. Bush, “Freedom at War with Fear,” n.p. cited 5 May 2006. Online: <http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html>). Berlin’s distinction between negative and positive liberty is of interest on this point because both modes are operative: freedom from coercion and freedom to live a good life that is imposed from outside (Isaiah Berlin, “Two Concepts of Liberty,” in *Liberalism and Its Critics* [ed. Michael J. Sandel; Oxford: Blackwell, 1984]).

¹³³ United Nations Security Council, “Resolution 1624,” n.p. cited 2005. Online: [http://www.un.org/Docs/journal/asp/ws.asp?m=s/res/1624\(2005\)](http://www.un.org/Docs/journal/asp/ws.asp?m=s/res/1624(2005)). Note that this resolution is limited to terrorist acts, which are probably meant to be limited to violent acts. Such violence is not explicitly present in the idolatry being incited in Deut.13. However, the Security Council understands itself to be in a struggle against the ideology of “extremism and intolerance” that motivates these acts and not just a struggle against violence itself. In the same resolution, the Security Council expresses concern “that incitement of terrorist acts motivated by extremism and intolerance poses a serious and growing danger to the enjoyment of human rights, threatens the social and economic development of all States, undermines global stability and prosperity.”

¹³⁴ United Nations Security Council, “Resolution 1624.”

police’, watching their own families, has very unpleasant resonances.”¹³⁵ Brueggemann expresses a similar wariness: “The assault on intimates conjures that worst use of ‘party discipline’ that rewards informers¹³⁶ who squeal on intimate family conversation. . . . The dilemma is that in the practice of such vigilance and discipline, the community engages in brutalizing actions that give the lie to its own best sense of itself.”¹³⁷ Terms like “secret police” and “party discipline” obviously refer to the repressive governments of Nazi Germany and the Soviet Union. Is YHWH to be likened to these? Perhaps so, and Brueggemann’s warning is valid that a society can contradict its own ideology in the effort to protect itself from other ideologies.¹³⁸ However, in continuing the parallel with America’s war on terror, it would be difficult to argue that Deut.13 contemplates anything near the level of surveillance currently operative in the United States and abroad. Though not open to public inspection, the government apparatus apparently monitors individuals’ movements, personal and public communications, and financial transactions in order to detect signs of terrorist activity.¹³⁹ Though this loss of cherished civil liberties is challenged, protested, and regretted, in the end it is permitted and broadly accepted as necessary to preserve American society. There exists a dynamic and negotiated balance between the severity of the threat and the sacrifice of personal liberty. Rather than comparing, in strawman fashion, YHWH’s concern for seditious activity to those of past governments that are generally acknowledged to have been evil, the proper comparison is with living governments that see themselves as threatened. One may or may not agree with the actions of such living states, but comparisons between YHWH and such states offers more opportunity for useful analysis than ones with iconic evils such as Nazi Germany.

Deciding whether YHWH’s society for Israel or American society provides greater freedom and less totalitarian oppression¹⁴⁰ is beyond the scope of this essay, but I suggest that the comparison is not far-fetched but requires careful consideration. Craigie balances Deuteronomy’s view of bondage

¹³⁵ McConville, *Deuteronomy*, 239, 241.

¹³⁶ Brueggemann’s characterization here seems unfair, as Deut.13 does not prescribe any sort of reward for informers. While he may infer that such would receive society’s affirmation, my reading of the text reveals more concern for convincing an informer to do what does not seem to be of personal advantage.

¹³⁷ Brueggemann, *Deuteronomy*, 155, 156.

¹³⁸ It should be noted that Brueggemann’s argument depends upon liberalism and non-violence being a significant part of a community’s “best sense of itself.” Other ideologies prioritize other societal features.

¹³⁹ Such an “electronic dragnet” was being constructed in 2002, but the project was cancelled. It is likely that comparable surveillance is being done without as many details being revealed to the public. A report on this original system said, “As the director of the effort, Vice Adm. John M. Poindexter, has described the system in Pentagon documents and in speeches, it will provide intelligence analysts and law enforcement officials with instant access to information from Internet mail and calling records to credit card and banking transactions and travel documents, without a search warrant” (John Markoff, “Threats and Responses: Intelligence; Pentagon Plans a Computer System that Would Peek at Personal Data of Americans,” *New York Times* [9 Nov 2002]. n.p. Cited 17 Aug 2006. Online: <http://query.nytimes.com/gst/fullpage.html?res=9F05EFD61431F93AA35752C1A9649C8B63&sec=travel&pagewanted=all>).

¹⁴⁰ Obviously the definition of the terms “freedom” and “oppression” would play a determinative role in such a debate.

and freedom when he writes, “The treaty structure of the covenant was a reminder to the people of their liberty in this world and of their total commitment to God. They had been in bondage, vassals to the worldly power in Egypt, but God’s intervention in history at the Exodus had freed the Israelites from that human vassaldom; in the encounter with God at Horeb, they had submitted to a new vassaldom under God.”¹⁴¹ Freedom, justice, order, and prosperity are societal virtues that have been championed by societies with very different ideas of what these virtues entail.

What is Being Protected?

The severe repression of disloyalty in Deut. 13 and the ANE treaties provokes a further question: what exactly is so deeply feared that it is worth killing over? The question can be asked of each party in the treaty and the answers need not be the same. What does the Great King fear? What does the vassal fear?

I begin with the Great King’s perspective. In the ANE treaties, the life of the Great King is at risk. All leaders are threatened both by disgruntled subjects and ambitious competitors for leadership. The treaties demand that rebellion be reported and dealt with effectively because his safety and the existence of his dominion depend on it. Thus ANE treaties can also include a stipulation that the vassal provide military aid in case the Great King comes under attack.¹⁴² But surely this is no concern in Deuteronomy: YHWH’s person is not threatened by any human rebellion. He cannot come under attack. YHWH needs no protection from Israel’s police force hunting down traitors. Israel’s army is certainly never portrayed as protecting YHWH’s life. However, insofar as the Great King’s life is wrapped up with his dominion, his concerns are more comparable with YHWH’s. Successful rebellion means the undermining of the kingdom each is building around himself. If the concern is societal rather than personal, then both the Great King and YHWH have similar concerns.

Now, what are the concerns of the vassal? On the positive side, the vassal’s interests may be aligned with the Great King’s. If the vassal is truly loyal and is committed to the kingdom that is imposed upon—or “granted to,” depending on the perspective—him, then the vassal’s interest is the maintenance of that kingdom by protecting the Great King and his dominion. This means that a loyal citizen will work against any seditious citizens’ goals, ultimately bringing the force of legal punishment against traitors. Such actions are commensurate with preserving the Great King’s dominion.

But on the negative side, if the vassal is not particularly supportive of the Great King and his dominion—or is even antagonistic—then it still might be in the vassal’s interest to support the Great King and fight against sedition because the Great King threatens seditious vassals. If a rebellion

¹⁴¹ Craigie, *Deuteronomy*, 37.

¹⁴² F. Charles Fensham, “Clauses of Protection in Hittite Vassal-Treaties and the Old Testament,” *VT* 13:2 (1963): 135.

should grow within the vassal people, the Great King's threatened retaliation will sweep over the semi-loyal and disloyal alike. Even if one does not particularly support the Great King, his wrath may not be worth provoking. However, if the Great King becomes politically weak, the vassal's independence by rebellion may be achievable. The history of the ANE, including Israel's tense relationships with Assyria and Babylon, is full of rebellion during times of imperial weakness. But if the Great King is strong, rebellion is a risky choice for he is likely to restore order by painful military action.¹⁴³

Israel's concerns in Deuteronomy largely match this ANE pattern.¹⁴⁴ If Israel is predominantly supportive of YHWH's rule, suppressing rebellion by troublemaking individuals makes sense. Even if the overall mood in Israel is unsupportive of YHWH, the spectre of provoking his anger warns that changing loyalty involves great risk. In Deut. 13, both sides of this argument are present. YHWH's past benefits (vv. 6, 11) and promise for future benefits (v. 18) encourage alignment with YHWH, which is so strongly demanded in v. 5. However, the passage is not reluctant to point out that refusing to punish sedition may bring terrible consequences upon Israel: "So you shall purge the evil from your midst" (v. 6); "Then all Israel shall hear and be afraid, and never again do any such wickedness" (v. 12); "So that the LORD may turn from his fierce anger" (v. 18). The first of these reasons assumes that Israel agrees with YHWH that sedition is evil. The second is most appropriate for marginally loyal Israelites because it inspires fear of consequences. The third operates in both directions. If one is loyal to YHWH then turning him back to compassion is a positive goal. But even if one is disloyal, provoking YHWH's anger must be understood as foolishness. So the disloyal choose the lesser of two evils by submitting to YHWH's rule. The loyal choose the good: life as YHWH's people.

As YHWH's divinity renders him invulnerable to personal death and thus he is unafraid of attack against his person, his divinity also means he is never weak. Thus Israel can never be in the position of waiting for an opportune moment of weakness to rebel against YHWH when there is nothing he can do about it. One may forget or ignore YHWH's power, but only irrationality can lead to the thoughtful conclusion that rebellion will go unpunished.

Returning to the modern world, are these issues confined to the ANE? Are there modern concerns that are analogous to protecting one's relationship with the Great King/YHWH and to avoiding the provocation of his wrath? The powers of America and the United Nations Security Council certainly promulgate their vision for the world with the hope of gaining wholehearted loyalty that comes from sympathy with this vision. In the Security Council resolution cited above, this vision

¹⁴³ E.g. Bustenay Oded, *War, Peace, and Empire: Justifications for War in Assyrian Royal Inscriptions* (Wiesbaden: Ludwig Reichert, 1992), chs. 5-7.

¹⁴⁴ An important difference between Israel's relationship with YHWH and an ANE vassal's with her suzerain is that Israel's very formation and existence as a people is a result of YHWH's primal act. Thus disloyalty by Israel to YHWH constitutes a self-contradiction, which is not the case for a vassal.

is summarized in one of the motivational clauses: “Deeply concerned that incitement of terrorist acts motivated by extremism and intolerance poses a serious and growing danger to the enjoyment of human rights, threatens the social and economic development of all States, undermines global stability and prosperity....”¹⁴⁵ The positive values of human rights, social and economic development, global stability, and prosperity are gained by supporting the incumbent society, while the argument is that terrorists seek an alternative society without these values. The logic is that people should be loyal to the current powers out of sympathy with the values they support. On the negative side, this resolution is legally binding on United Nations member states; and history has shown that relatively arbitrary punitive action may be used to punish those who disregard such resolutions. I cited above the American invasion of Afghanistan as an example of what can result from state support for terrorism. So even the marginally loyal or disloyal citizens of modern nation states should tremble before the possibility of provoking the wrath of modern military power.

What about YHWH’s invulnerability in comparison with an ANE sovereign? History has not yet spoken of any ebb in American power. Certainly at the present, the combination of American power and influence with the widespread support (though with significant detractors) for her vision for the world make her seem almost as invulnerable as YHWH. However, Rome seemed likewise eternal and absolute in her heyday. Maybe the comparison is best made existentially rather than abstractly. American power may wane someday (and that someday may be tomorrow), but at the moment her sovereignty—which rests in no single individual—is invulnerable and her powerful military and economic retaliatory forces are such that serious challenge borders on insanity. So the comparison with YHWH seems somewhat apt, if blasphemous. However, since this could change at any time and America is known for a short political attention span, those who rebel may make calculated moves, much like ANE vassals.

CONCLUSION

In Wright’s reflections on Deut. 13 he writes, “C.S. Lewis once said that if we no longer feel comfortable with the cursing psalms, for example, it is not because of our greater, ‘Christian’ sensitivity, but because of our appalling moral apathy. We no longer feel the passion of the psalmist that God should deal with evil and evildoers and vindicate God’s own moral order in the world. We respond to idolatrous, blasphemous evil not with a curse, but a shrug, and then have the gall to claim morally higher ground than ancient Israel.”¹⁴⁶ Does the modern world find Deut. 13 abhorrent because of increased human sensitivity or out of moral apathy? My juxtaposition of Deut. 13 and analogous modern ideas suggests a third possibility: modern morality is neither more sensitive nor apathetic, but

¹⁴⁵ United Nations Security Council, “Resolution 1624.”

¹⁴⁶ Wright, *Deuteronomy*, 177. He does not cite his source for the Lewis statement but he is likely referring to C.S. Lewis, *Reflections on the Psalms* (London: Collins, 1961), 30-3.

focused on different concerns than YHWH's kingdom. Apathy would mean no punishment of traitors, for who cares about the present order? Sensitivity would mean no punishment of traitors, for such sensitive tolerance would judge the advocacy of alternative viewpoints to be valuable. Rather than sensitivity or apathy, the modern world displays its own "deeply anxious exclusivism,"¹⁴⁷ which is not centered on YHWH but on the modern hope that the good life flows from the modern worldview, principally liberal democratic capitalism.¹⁴⁸ The modern world has a covenant that shares the same features as ANE treaties and the book of Deuteronomy: historical narrative, codifying documents and institutions, demands for undivided loyalty, required obedience to stipulations, and blessings and curses based on behavior. The modern world has a historical narrative of the benefits received from the hand of modernity: freedom, prosperity, etc. The relationship between peoples and modernity has been codified in national constitutions, trans-national bodies (e.g. United Nations, International Monetary Fund, European Union, etc.), mutual defense treaties and organizations (e.g. NATO), UN Security Council resolutions, and so on. These documents and organizations demand undivided loyalty to the modernity project.¹⁴⁹ Membership in this group of allied peoples carries with it stipulations for behavior that is fitting to the vision of liberal democratic capitalism. Blessings are promised to those who remain loyal. Curses—and not empty ones—are threatened for the disloyal.

So it seems that the modern world is neither overly sensitive nor apathetic. On the contrary, there is tremendous zeal for modernity's ultimate concern, but that concern is not YHWH, nor anything else that has been marginalized as legitimate "religion."¹⁵⁰ Zealous visionaries for "other gods" and ordinary people who secretly advocate treason but are detectable by the government have been warned. And countries that are unwilling or incapable of controlling seditious activity will, as warned by President Bush, "take that lonely path at their own peril."¹⁵¹

¹⁴⁷ Brueggemann's words to describe the situation in Deut.13 (cf. n.14 above).

¹⁴⁸ There may be other features of the modernity project than these that are just as important or more so.

¹⁴⁹ It can be argued that UN membership and other participation in this structure do not necessarily require endorsement of liberal democratic capitalism, as membership is allowed to communist China and the kingdom of Saudi Arabia, for example. However, tolerance of such exceptions seems to be granted either because of the belief that these aberrations will fall into line with time or because the political situation will not tolerate stronger demands for loyalty to the larger project at this time.

¹⁵⁰ Of course, religion stands indicted by many in the modern world as the cause of trouble and violence (cf. Cavanaugh, "Violence,"). But this is not legitimate "religion" in the modern sense, since it refuses to submit to the modern state.

¹⁵¹ Bush, "Afghanistan."

ABBREVIATIONS

- ANET* Pritchard, James. *Ancient Near Eastern Texts Relating to the Old Testament*. 3rd ed. Princeton: Princeton University Press, 1969.
- BASOR* *Bulletin of the American Schools of Oriental Research*
- CBQ* *Catholic Biblical Quarterly*
- CUP Cambridge University Press
- GKC *Gesenius' Hebrew Grammar*. Edited by E. Kautzsch. Translated by A.E. Cowley. 2d. ed. Oxford, 1910.
- JBL* *Journal of Biblical Literature*
- NCB New Century Bible Commentary
- NICOT New International Commentary on the Old Testament
- OTS* *Oudtestamentische Studiën*
- VT* *Vetus Testamentum*
- VTE* *Vassal Treaties of Esarhaddon*.

BIBLIOGRAPHY

- Berlin, Isaiah. "Two Concepts of Liberty." in *Liberalism and Its Critics*. Edited by Michael J. Sandel. Oxford: Blackwell, 1984.
- Brueggemann, Walter. *Deuteronomy*. Nashville: Abingdon, 2001.
- Bush, George W. "Presidential Address to the Nation (October 7, 2001)." No Pages. Cited 11 Aug 2006. Online: <http://www.whitehouse.gov/news/releases/2001/10/20011007-8.html>.
- . "Freedom at War with Fear." No Pages. Cited 5 May 2006. Online: <http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html>.
- Cavanaugh, William T. "The Violence of 'Religion': Examining a Prevalent Myth." Paper presented at Kellogg Institute for International Studies Working Papers, 2004.
- Craigie, Peter C. *The Book of Deuteronomy*. NICOT. London: Hodder & Stoughton, 1976.
- Dillard, Raymond B. and Tremper Longman III. *An Introduction to the Old Testament*. Grand Rapids: Zondervan, 1994.
- Dion, Paul E. "Deuteronomy 13: The Suppression of Alien Religious Propaganda in Israel during the Late Monarchical Era." Pages 147-216 in *Law and Ideology in Monarchic Israel*. Edited by Baruch Halpern and Deborah W. Hobson. Sheffield: Sheffield Academic, 1991.
- Ehrlich, Arnold B. *Randglossen zur hebräischen Bibel: Textkritisches, Sprachliches und Sachliches*. 7 vols. Hildesheim: Georg Olms, 1968.
- Eichrodt, Walther. *Theology of the Old Testament*. Translated by J.A. Baker. 2 vols. Philadelphia: Westminster, 1961.

- Fensham, F. Charles. "Clauses of Protection in Hittite Vassal-Treaties and the Old Testament." *Vetus Testamentum* 13:2 (1963): 133-43.
- Fitzmeyer, Joseph A. *Aramaic Inscriptions of Sefire*. Rome: Pontifical Biblical Institute, 1967.
- Frankena, R. "The Vassal-Treaties of Esarhaddon and the Dating of Deuteronomy." *Oudtestamentische Studiën* 14 (1965): 122-54.
- Hamilton, Jeffries M. "How to Read an Abhorrent Text: Deuteronomy 13 and the Nature of Authority." *Horizons in Biblical Theology* 20 (1998): 12-32.
- Hobbes, Thomas. *Leviathan*. Edited by Francis B. Randall. New York: Washington Square, 1964.
- Huffman, Herbert B. "The Treaty Background of Hebrew Yada'." *Bulletin of the American Schools of Oriental Research* 181:F (1966): 31-7.
- Isaiah, Abraham ben and Benjamin Sharfman. *The Pentateuch and Rashi's Commentary: A Linear Translation into English: Deuteronomy*. Brooklyn: S.S.&R. 1950.
- Kramer, Samuel N. *The Sumerians: Their History, Culture and Character*. Chicago: University of Chicago Press, 1963.
- Lash, Nicholas. "The Beginning and the End of 'Religion.'" Pages 3-25 in *The Beginning and the End of 'Religion'*. Cambridge: CUP, 1996.
- Levinson, Bernard M. "Recovering the Lost Original Meaning of wl' tesh 'lyw (Deuteronomy 13:9)." *Journal of Biblical Literature* 115 (1996): 601-20.
- Lewis, C.S. *Reflections on the Psalms*. London: Collins, 1961.
- Lohfink, Norbert. *Die Väter Israels im Deuteronomium: Mit einer Stellungnahme von Thomas Römer*. Orbis Biblicus et Orientalis 111. Göttingen: Vandenhoeck & Ruprecht, 1991.
- Markoff, John. "Threats and Responses: Intelligence; Pentagon Plans a Computer System that Would Peek at Personal Data of Americans." *New York Times* (9 Nov 2002). No Pages. Cited 17 Aug 2006. Online: <http://query.nytimes.com/gst/fullpage.html?res=9F05EFD61431F93AA35752C1A9649C8B63&sec=travel&pagewanted=all>.
- Marty, Martin E. and Jonathan Moore. *Politics, Religion, and the Common Good*. San Francisco: Jossey-Bass, 2000.
- Mayes, A.D.H. *Deuteronomy*. NCB. London: Marshall, Morgan & Scott, 1979.
- McCarthy, Dennis J. *Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and in the Old Testament*. Rome: Biblical Institute Press, 1981.
- McConville, J. G. *Deuteronomy*. Leicester: Apollos, 2002.
- Mendenhall, George E. "Covenant Forms in Israelite Tradition." *Biblical Archaeologist* 17 (1954): 50-76.
- Moberly, R. W. L. *The Bible, Theology, and Faith: A Study of Abraham and Jesus*. Cambridge: CUP, 2000.
- Moberly, R.W.L. *Prophecy and Discernment*. Cambridge Studies in Christian Doctrine. Cambridge: CUP, 2006.

- Moran, William L. "The Ancient Near Eastern Background of the Love of God in Deuteronomy." *Catholic Biblical Quarterly* 25 (1963): 77-87.
- Oded, Bustenay. *War, Peace, and Empire: Justifications for War in Assyrian Royal Inscriptions*. Wiesbaden: Ludwig Reichert, 1992.
- Rad, Gerhard von. *Deuteronomy: A Commentary*. Translated by Dorothea Barton. London: SCM, 1966.
- Randall, Francis B. Introduction to *Leviathan*, by Thomas Hobbes. New York: Washington Square, 1964.
- Rousseau, Jean-Jacques. *The Social Contract*. Translated by G.D.H. Cole. London: J.M. Dent & Sons, 1961.
- Römer, Thomas. *Israels Väter: Untersuchungen zur Väterthematik im Deuteronomium und in der deuteronomistischen Tradition*. Orbis Biblicus et Orientalis 99. Göttingen: Vandenhoeck & Ruprecht, 1990.
- Schrecker, Ellen. *Many Are the Crimes: McCarthyism in America*. Boston: Little, Brown, 1998.
- Tigay, Jeffrey H. *Deuteronomy: The Traditional Hebrew Text With the New JPS Translation*. Philadelphia: Jewish Publication Society of America, 1996.
- United Nations Security Council. "Resolution 1624." No Pages. Cited 2005. Online: [http://www.un.org/Docs/journal/asp/ws.asp?m=s/res/1624\(2005\)](http://www.un.org/Docs/journal/asp/ws.asp?m=s/res/1624(2005)).
- United States Department of Defense. "List of Individuals Detained by the Department of Defense at Guantanamo Bay, Cuba from January 2002 through May 15, 2006." No Pages. Cited 16 Aug 2006. Online: <http://www.dod.mil/pubs/foi/detainees/detaineesFOIArelease15May2006.pdf>.
- Weinfeld, Moshe. "Covenant Terminology in the Ancient Near East and Its Influence on the West." *Journal of the American Oriental Society* 93:2 (1973): 190-9.
- . *Deuteronomy and the Deuteronomic School*. Oxford: Clarendon, 1972.
- Williams, Ronald J. *Hebrew Syntax: An Outline*. 2nd ed. Toronto: University of Toronto Press, 1976.
- Wiseman, Donald J. "'Is it Peace?': Covenant and Diplomacy." *Vetus Testamentum* 32:3 (1982): 311-26.
- Wright, Christopher J. H. *Deuteronomy*. Peabody, Mass.: Hendrickson, 1996.