

The Sequence of the Laws in Deuteronomy 12–26 and in the Decalogue

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For Deuteronomy¹, the Decalogue embodies the substance of the “covenant” that YHWH made with Israel at Horeb (in 5:2–3 with Moses as the people’s partner; in 29:1 [Heb. 28:69] without him), directly linking covenant and Decalogue together (4:13; 9:9, 11). According to the deuteronomic theory, the Ten Commandments were the only words that God addressed to the whole assembly (5:22). Though this fact is the source of their unsurpassable dignity, the revelation still needed a mediator: Moses (5:5). YHWH wrote the “ten words” on two tablets of stone (4:13; 10:4); but because of the people’s protest, which YHWH accepted, Israel from then on received all further expressions of YHWH’s will only through the mediation of Moses (5:23–31). Moses, for his part, then delivered this Torah, after it was written down, to the priests (cf. 10:4 with 31:9), so that it could be preserved in the ark of the covenant together with the tablets of the Decalogue (cf. 10:5 with 31:26). For future proclamation of divine words in particular situations, YHWH would raise up another prophet like Moses (18:15–18).

Deuteronomy explains Moses’ mediatorial role in two ways. According to 5:31, YHWH in person had already communicated to him “all the commandments and the statutes and the ordinances” (*kol hammišwa*

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1. This paper was originally delivered as a seminar paper at the Thirty-third Colloquium Biblicum Lovaniense, 17 August 1983, Louvain, Belgium.

hahuqqîm wêhammišpâtîm) that he was to teach Israel. But according to 4:14 (cf. v. 5), YHWH had only ordered Moses to teach the people “statutes and ordinances” (*hūqqîm ûmišpâtîm*, without the article) and not to repeat a separate law of YHWH in addition to the Decalogue.² The reports of the event at Horeb tie this additional divine revelation to Moses (or rather his responsibility to teach it) directly to YHWH’s promulgation of the Decalogue, both as to place (5:31) and time (4:14). They seem to suggest and even to urge an understanding of the “statutes and ordinances” as an informative (5:31), or even more, an authoritative (4:14) interpretation of the Decalogue, in the sense of a set of directions for its fulfillment in given, concrete situations. The Decalogue is obligatory always and everywhere, while the laws are valid only in Israel’s own land (4:5; 12:1).³ Does Deuteronomy in fact endorse this kind of understanding of the promulgation of laws as an “interpretation” of commandments already given by YHWH?

In fact, the use of the plural pairing, “statutes and ordinances” (*hahuqqîm wêhammišpâtîm*) is the first indication of the way the relationship between the Decalogue and individual laws in Deuteronomy is to be explained. The oldest instances are found in Deuteronomy, so that we may conclude that the use of this expression is something proper to that book. In the second speech of Moses it is introduced only as a structural signal (with the exception of some out-of-sequence usages.⁴ Thus it stands as a frame around the deuteronomic paranesis (5:1 and 11:32), and in 12:1 and 26:16 it frames the codex of special rules. This means that when Moses recites “statutes and ordinances” (5:1), they contain (in spite of the new beginning at 6:1) first of all the Decalogue itself, which is placed at their head (5:6–21), and then paraneses, in which the text of the beginning of the Decalogue plays a central role and is expanded in the form of paraphrases (6:10–15; 7:8–11); in fact, there is even a paraphrase of a paraphrase of the Decalogue, with commentary (8:7–20).⁵ Within the deuteronomic legal corpus, however,

2. The emphasis here is on the “what” of the Mosaic teaching of the law. Similarly, 4:13 emphasizes the writing down of the Decalogue, but in contrast to 5:22 is silent about a delivery of the two tablets to Moses.

3. Cf. G. Braulik, “Weisheit, Gottesnähe und Gesetz: Zum Kerygma von Deuteronomium 4,5–8,” in *Studien zum Pentateuch: Fs. W. Kornfeld* (ed. G. Braulik; Vienna, 1977) 165–95, at 171–72.

4. N. Lohfink, *Das Hauptgebot: Eine Untersuchung literarischer Einleitungsfragen zu Dtn 5–11* (AB 20; Rome, 1963) 56–57.

5. N. Lohfink, “Die These vom ‘deuteronomistischen’ Dekaloganfang: Ein fragwürdiges Ergebnis atomistischer Sprachstatistik,” in Braulik, *Studien*, 99–109, at 101–4. The paraphrase of the Decalogue in 4:15–20 is also a part of the “statutes and ordinances” that Moses teaches (vv. 1 and 5).

they also include other laws, as well as casuistic developments of most of the commandments in the Decalogue (13:1–5 [Heb 2–6], 6–11 [Heb 7–12], 12–18 [Heb 13–19]; 17:2–7; 19:11–13, 16–19; 21:1–9, 18–21; 22:13–21, 22, 23–27; 24:7).

The question about the reference to the Decalogue is sharpened if this double expression ultimately refers only to 12:1–26:16.⁶ In a strict sense, Moses merely announces at 5:1 that he intends to present some “statutes and ordinances.” But in 11:32 he is not looking back; instead, he is pointing forward. It is the “title” in 12:1 that really introduces the “statutes and ordinances,” using this double expression; the statement of promulgation, which we would expect to find, is completely missing. Yet in 26:16 it is not Moses, but YHWH who commands, despite the fact that elsewhere the one who utters the laws is always a human being and not, as with the Decalogue, God in person. Thus if the phrase *statutes and ordinances* is meant to designate the deuteronomic codex (12:1–26:16) as an explanation of the Decalogue, the relatively few casuistic expansions mentioned above would not seem sufficient to justify the structured usage of this double expression. If it did not signal a further relationship of the deuteronomic codex to the Decalogue beyond these few instances, the term “statutes and ordinances” would include more laws that reveal no relationship to the Decalogue than laws that give it concrete shape. This kind of incongruity, in face of the exact systematization within the book, is improbable from the outset.

F. Horst in particular attempts to explain the redactional function of the double expression in 12:1 as an indication of the existence and distribution of two types of legal material.⁷ According to this study, the *ḥuqqīm* are “charter rights of YHWH” located in chaps. 12–18, while the *mišpātīm* are the civil law in chaps. 19–25. It seems that the privileged, or charter, commands described by Horst are an independent collection

6. If the “statutes and ordinances” are limited to the legal corpus, however, the striking selection of verbs of promulgation associated with this expression will need explanation. In the “heading” at 4:45, in 6:1, which also functions as a kind of title for what follows, as well as in 5:1, and 11:32, where the term serves as a structural signal, but in other places also, we do not find *śwh* [*Piel*], as in the majority of promulgation statements. That this would have been possible is clear from 7:11. On this point, see G. Braulik, “Die Ausdrücke für ‘Gesetz’ im Buch Deuteronomium,” *Bib* 51 (1970) 39–66, at 62. This peculiar feature may indicate that in the “statutes and ordinances,” Moses is not only giving an authoritative promulgation of laws, but also proclaiming paranesis, i.e., that which we find in chaps. 5–11, the first section framed by this expression. For particular remarks on 5:1 and 11:32, cf. Lohfink, *Hauptgebot*, 275.

7. F. Horst, *Das Privilegrecht Jahwes (Rechtsgeschichtliche Untersuchungen zum Deuteronomium)* (FRLANT 45; Göttingen, 1930) 120–23 (= *Gottes Recht: Gesammelte Studien zum Recht im Alten Testament* [Theologische Bücherei 12; Munich, 1961] 17–154, at 150–54).

of ten legal statements, in other words, a second Decalogue, but this remains completely hypothetical and has nothing in common, as far as content goes, with the Decalogue of Horeb. Furthermore, a division of "statutes" and "ordinances" into two mutually exclusive group designations that refer to particular sets of laws or indicate their order with respect to one another is at least doubtful. This is first, because of the way in which the double expression is used elsewhere in Deuteronomy, and second, because of the interpretation of "charter law" and "civil law" that is characteristic of the deuteronomic legal corpus as we have it.

The most recent overview of research in Deuteronomy by H. D. Preuss⁸ shows how many problems are encountered by all the studies devoted to the structural principles of Deuteronomy 12–26. It appears that we have so far progressed very little beyond the equally unsatisfactory⁹ divisions proposed by J. Wellhausen.¹⁰ So, according to Preuss, "a fully illuminating explanation of the complete sequence of texts and text groupings in Deut 12–25 has not yet been found."¹¹ But he sees a possible solution in the evidence that the sequence of laws is related to that of the Decalogue, although Deuteronomy may be interested in nothing more than the most general sort of arrangement.¹² "For the fact that Deut 12–25 is oriented, at least in some parts and in a general sense . . . toward the sequence of laws in the Decalogue appears to be a central

8. H. D. Preuss, *Deuteronomium* (Erträge der Forschung 164; Darmstadt, 1982) 108–12. A synopsis of the most important efforts at division and ordering of the material can be found in G. Seitz, *Redaktionsgeschichtliche Studien zum Deuteronomium* (BWANT 93; Stuttgart, 1971) 92–93.

9. *Die Composition des Hexateuchs und der historischen Bücher des Alten Testaments* (Berlin, 1963) 353–63. Seitz (*Studien*; see n. 8 above) does not mention Wellhausen at all; Preuss (*Deuteronomium*, 108) cites only the older arrangement in *Composition*, 203ff., which Wellhausen himself later regarded as inadequate and which he revised at the end of the third edition through an "extensive listing of the content of the genuinely deuteronomic law," *loc. cit.*

10. Preuss, *Deuteronomium*, 108. However, a short article that Preuss does not mention and a monograph deserve special mention. H. M. Wiener ("The Arrangement of Deuteronomy 12–16," *Journal of the Palestine Oriental Society* 6 [1926] 185–95) saw the present ordering of the laws as determined by two principles: the religious interest of the author, and associations resulting for that author not from any kind of legal theory but naturally and even necessarily from the circumstances of the time and experience of the immediate situation. C. M. Carmichael has suggested a completely new possibility in *The Laws of Deuteronomy* (Ithaca and London, 1974): among other things, the legal material is said to be organized, from Genesis through Numbers, into narrative sequences according to associative characteristics. It is true that this extensive study is "as regards tradition and redaction criticism (and often literary criticism as well) as quixotic as it is uncritical, and as a suggested solution will certainly not carry us farther" (Preuss, *Deuteronomium*, 109–10).

11. *Ibid.*, 112.

12. *Ibid.*

conclusion of recent scholarship that awaits further verification and testing."¹³

The conclusion I have here cited may give the impression of being based on a number of studies on this topic. However, apart from a very few publications that contain marginal observations on the subject, there exist in fact only assertions in the form of theses that lack any adequate argumentation.¹⁴

The function of the Decalogue as the structural principle of Deuteronomy was extensively described, for the first time, by F. W. Schultz in 1895. In the foreword to his commentary on Deuteronomy he wrote: "In Deuteronomy . . . the Law . . . is itself, in a certain sense, a commentary," because in it Moses "by means of the order in which he treats them, has placed each section of the Torah in close relationship to one of the commandments of the Decalogue. In this way he has made the Decalogue the key to the rest of the Law, but equally and at the same time has made the rest of the Law an interpretive expansion on the Decalogue."¹⁵ But for Schultz this commentary does not begin with the deuteronomic codex; it starts immediately after the text of the Decalogue in chapters 6–11.¹⁶ Because of his artificial arrangement of texts,¹⁷ but also because of his defense of Mosaic authorship, Schultz received little recognition and practically no acceptance. Only in 1979 was he again brought to critical attention by S. A. Kaufman.

13. Preuss, *Deuteronomium*, 111–12.

14. So, for example, H. Breit, *Die Predigt des Deuteronomisten* (Munich, 1933), esp. pp. 31–34, was convinced, in agreement with Calvin and especially Luther, that the message of Deuteronomy was based on the Decalogue (p. 33). M. Noth, *Überlieferungsgeschichtliche Studien: Die sammelnden und bearbeitenden Geschichtswerke im Alten Testament* (3d ed.; Tübingen, 1967) 101, left it at the very important conclusion that it appeared to the Deuteronomist that "the special relationship between God and the people," i.e., the covenant, was "founded on the communication of the Decalogue, for which the Deuteronomic law following 5:28 represents the authentic divine interpretation." According to A. Phillips, *Ancient Israel's Criminal Law. A New Approach to the Decalogue* (Oxford, 1970) 182, "The Deuteronomic law . . . in main constitutes an expansion of the criminal law of the Decalogue."

15. Schultz, *Das Deuteronomium* (Berlin, 1895) iii. This commentary is not noted by Preuss, *Deuteronomium*.

16. Schultz, *Deuteronomium*, 13–24, develops the following arrangement: commandments I–II (prohibition of other gods and of images) = Deuteronomy 6–11; III = 12–13; IV = 15:1–16:17; V = 16:18–18:22; VI = 19:1–21:9; VII = 21:10–23; VIII = 22; IX–X = 23–25. Within these correspondences, Schultz believes that he can also discover that from chap. 12 on Moses "with remarkable regularity" proceeds in such a way "that he always adduces exactly three parts as belonging to one commandment, and that as he proceeds to expand further on one of the three, he makes three subdivisions" (*Deuteronomium*, 16).

17. See C. Steuernagel's opinion in *Die Entstehung des deuteronomischen Gesetzes* (Halle, 1896) 10.

In a brief article that was even overlooked by Kaufman, A. E. Guilding suggested that not only Deuteronomy 13–15 (sic) but also the Book of the Covenant (Exod 20:22–23:17) and the collection in Leviticus 10–23 were “an orderly exposition of the Decalogue, which is the basis of the whole legal system.”¹⁸ What is original here is that, starting with the fifth commandment (regarding parents), Guilding organizes the ten commandments in pairs and orders each pair to a group of laws in the corresponding chapters of Exodus or Deuteronomy.¹⁹

Not published and practically unobtainable is an excursus in H. Schulz’s dissertation²⁰ in which he gives reasons for his opinion concerning the influence of the Decalogue on the order of the deuteronomic laws. According to Schulz, “the whole of the deuteronomic legal material in chapters 12–15 is built on the schematic arrangement of the Decalogue. In spite of a variety of enrichments . . . the fundamental tripartite division among YHWH and the cult, parents and family, and the social and moral realm remains demonstrable, though a strong division in the last of the three areas is no longer maintained.”²¹

This initiative was developed further in 1979 by S. A. Kaufman, in the most extensive contribution to this subject to date.²² But while Schulz accepted the “Decalogue-pattern” as formative only in its larger outlines and supposed later editing and additions, Kaufman supports the thesis that the deuteronomic law comes from a single redactor who structured his collection of laws down to the last details, according to the model of the complete Decalogue.²³ Kaufman dispenses with literary-

18. A. E. Guilding, “Notes on the Hebrew Law Codes,” *JTS* 49 (1948) 43–52, at p. 43.

19. For the deuteronomic law the arrangement is as follows (pp. 47–49, 52);

Honor to parents, no murder: 16:18–22:8 (sic);

No adultery, no stealing: 22:13 (sic)–24:7 (sic);

No false witness, no coveting: 24:10 (sic)–25:16.

20. H. Schulz, “Das Todesrecht im Alten Testament” (diss. in typescript, Marburg, 1966) 151–57. There is a brief reference to it in the publication with the same title in *BZAW* 114 (Berlin, 1969) 65; see also O. Kaiser, *Einleitung in das Alte Testament: Eine Einführung in ihre Ergebnisse und Probleme* (4th ed. Gütersloh, 1978) 118.

21. Schulz, *Todesrecht* (BZAW) 66–67. In addition, the deuteronomic law is framed by the Decalogue, whose program it seeks to represent paradigmatically, and the series of curses, composed in relation to the Decalogue, in 27:15–26 (pp. 67–68). This latter was programmatically composed for liturgical purposes, as a conclusion of the whole legal teaching in Deuteronomy and consciously related back to 5:6ff. (p. 70).

22. S. A. Kaufman, “The Structure of the Deuteronomic Law,” *MAARAV* 1/2 (1978–79) 105–58; see esp. p. 112 and n. 43.

23. Kaufman, “Structure,” 112. On the correspondences between the sequence of individual parts of the law and the commandments of the Decalogue, see the survey on pp. 113–14. Starting from these fixed points, Kaufman examines the intermediate and border zones and, in effect, arranges the whole of the legal material, without exception, in a single series corresponding to the commandments of the Decalogue.

critical and redaction-critical differentiations within the deuteronomic law. The delimitation and interpretation of the individual laws are not given a grounding within the text. Differences between texts are too quickly smoothed over and remain unevaluated. But, in spite of its methodological and exegetical deficiencies, the effort in this study to explain the sequence of laws in the deuteronomic codex (more precisely, in Deut 12:1–15:16) and its relationship to the Decalogue as its structural model constitutes a challenge to research in Deuteronomy. Furthermore, a thorough discussion appears urgent because for other collections of laws from the ancient Orient a system has already been demonstrated.

Following the investigations especially of H. Petschow on the system of the laws in the Codex Hammurabi and the Laws of Eshnunna,²⁴ we already know the most important techniques in ancient Oriental codification of laws. These principles of arrangement do not, of course, correspond to the point of view of Roman or of modern European legal systems. They have already been verified in parts of the deuteronomic legal corpus.²⁵ Kaufman recognizes his indebtedness to these studies,²⁶ and they also form the background to my own analysis. Characteristic are, first, the division of the legal material according to categories oriented more or less to spheres of life, objects, or particular states of affairs; and second, that within the principal themes, the laws are grouped according to five principles of arrangement.²⁷ In addition, special importance is attached to the phenomenon of attraction, whereby

24. H. Petschow, "Zur Systematik und Gesetzestechnik im Codex Hammurabi," *Zeitschrift für Assyriologie* 57 (1965) 146–72; "Zur 'Systematik' in den Gesetzen von Eshnunna," *Symbolae juridicae et historicae M. David dedicatae*, v. 2 = *Iura orientis antiqui* (Leiden, 1968) 131–43.

25. N. Lohfink, "Die Sicherung der Wirksamkeit des Gotteswortes durch das Prinzip der Schriftlichkeit der Tora und durch das Prinzip der Gewaltenteilung nach den Ämtergesetzen des Buches Deuteronomium (Dt 16,18–18,22)," in *Testimonium Veritati: Fs. W. Kempf* (ed. H. Wolter; Frankfurt/M, 1971) 143–55, esp. 147–48 [reprinted in this volume, in English translation, pp. 336–52]; V. Wagner, "Der bisher unbeachtete Rest eines hebräischen Rechtskodex," *BZ* 19 (1975) 234–40 (missing from Preuss, *Deuteronomium*, and not mentioned by Kaufman, "Structure").

26. Kaufman, "Structure," 115–18, esp. 117–18.

27. Petschow ("Gesetzestechnik," 170–71), finds the following scheme of systematization:

1. "chronological," i.e., "according to the actual or possible order of events";
2. "according to the objective importance of the matters regulated or the social position of the persons affected or the value of the object";
3. "according to the frequencies of the cases";
4. "as juxtaposition of event and counter-event";
5. "in as homogeneous a sequence as possible in the case of objectively and legally identical situations."

legal material is inserted according to key words or associative ideas. However, these basic principles of organization partly divide laws that, juristically considered, belong together, and order them in varying subject groups. The resulting law book appears to us unsystematic.

In Israelite law, however, beyond the individual paragraphs and their ordering, there may well have been, to a greater extent than elsewhere in the ancient Orient, a feeling for stylistic composition of whole groups of laws. In what follows, this will be evident again and again in regard to the material in chapters 12–26. It may be that the stronger rhetorical shaping is connected with the fact that these texts were regarded as “covenant law” and were intended to be read in public, within cultic assemblies.

In what follows I will presuppose the delimiting of the laws suggested by Norbert Lohfink in the German “Common Translation” [*Einheitsübersetzung*]. This was created for the practical purposes of a vernacular edition of the Bible, but it is clear that the following criteria are also employed there: a new topic; the new beginning of a casuistic law (through *kî* in the general instance and *ʿim* in the particular instance); a change of form (e.g., between casuistic, seemingly casuistic, and apodictic); framing; and concluding formulae (such as the so-called *biʿarta* formula). This delimitation is different in part from the scope of the laws as determined by Kaufman, which formed the basis of his study.

My essay is based on investigations by means of which Norbert Lohfink and I are preparing a joint commentary for the Hermeneia Series.²⁸ As my introductory remarks have indicated, the question of the relationship of the Decalogue to the legal code will not be imposed on the text from without but is provoked by Deuteronomy itself through the specific use of the double expression *huqqîm ûmišpātîm*. The following reflections presuppose the principles of systematization in ancient Oriental law discovered by Petschow. In addition, they proceed in critical fashion from Kaufman’s principal thesis concerning the commandments of the Decalogue as structural pattern for the deuteronomic collection of laws but without entering into a discussion of all the particular arguments. It is rather the purpose of this article to sketch the disposition of the deuteronomic code of laws and the influence of the Decalogue on the arrangement of its individual laws or sub-codes. What is at issue is a systematization at the level of final redaction. This

28. Cf. also the multi-copied notes for N. Lohfink’s lectures on “Das Privilegrecht Jahves im Buch Deuteronomium: Vorlesungen über Dtn 12–16 und 26,” held at the Philosophisch-Theologische Hochschule St. Georgen, Frankfurt am Main, 1983.

does not exclude the possibility either of an originally independent existence of individual laws, or of previous redactions with differing purposes. Moreover, there was always the possibility that, within ancient Oriental principles of systematization, or subsequent to the body of laws framed in accordance with the structure of the Decalogue, additional material could be introduced by means of digressions. In addition, there are a number of anomalies in the deuteronomic law that probably can be explained only on the diachronic level, since on the synchronic level they must remain in place, and they disturb the logic of the edifice. Thus they have to be tolerated as tensions whose existence is conditioned by the history of their development. Nevertheless, the present study will attempt to clarify the structure of the existing text of chapters 12–26 and to make the Decalogue visible therein as a kind of large-scale or general framework for its composition and arrangement.

Our conclusions may be summarized as follows: chapters 12–18 correspond to the Decalogue only in some rather vague and generalized respects:

First Commandment: The one temple and the one God of Israel, 12:2–13:19.

Second Commandment: Taking the name in vain, 14:1–21. יהוה's holy people in its ritual difference from the peoples of other gods.²⁹

Third Commandment: Keeping the Sabbath holy, 14:22–16:17. Cult and brotherhood in sacred rhythm—Israel's gathering together at the three pilgrimage feasts.

Fourth Commandment: Honoring parents, 16:18–18:22. Offices in Israel.

It is only beginning with chapter 19 that one can discern most exact correspondences to the fifth through tenth commandments. Kaufman has established these by means of a number of telling observations that need not be summarized here. In distinction to chapters 12–18, however, there are two places in chapters 19–25 where blocks of legal material are thematically woven together. The two transitions are to be found in the border areas between the blocks of laws ordered to the fifth and

29. In contrast, Kaufman, "Structure," 122–29, relates Deut 13:1–14:27 to the second commandment (according to the Catholic numbering). But this relationship—"a cornerstone of the entire structure" (p. 124)—is much too remote. The second commandment is thus interpreted as forbidding the swearing of false oaths in the name of יהוה. He also fails to consider that chap. 13 reveals a very close relationship with the first commandment and that 14:22–27 must be related to the block of laws that follows (see below, p. 325).

sixth commandments (22:1–12) and those belonging to the sixth and seventh commandments (23:16–24:5). Such transitions between groups of laws must have been possible in principle, since the Codex Hammurabi also offers at least one example.³⁰

Fifth Commandment: Preserving life, 19:1–21:23. Deliberate killing (with digressions).

Transition from the topic “preserving life” to that of “sexuality,” 22:1–12. The topic of “sexuality” is first introduced at 22:5 with the motif of “crossing over,” while the subject of “killing” is last clearly evident at 22:8.

Sixth Commandment: Rape and Family, 22:13–23:14 [Heb 15]. Concentrates completely on the area of sexuality.

Transition from the topic of “sexuality” to that of “property,” 23:15 [Heb 16]–24:5. The “property” theme appears for the first time at 23:15–16 (escaped slaves), while the theme of “sexuality” is found for the last time at 24:5 (excusing the newly-married from military service).

Seventh Commandment: Property, (23:15–25)24:6–7. The theme of property will be taken up again at 24:19–22 and 25:4, but at 24:8 the next topic (“judgment”) begins.

Eighth Commandment: [Truth in the face of] judgment, 24:8–25:4.

Ninth/Tenth Commandments: Coveting 25:5–16. The closing frame of the legal corpus begins at 25:17, looking back to themes from Deuteronomy 12, and the two rituals in 26:1–15 are deliberately conceived as a conclusion to the body of laws.

In what follows, I will illustrate these theses as they apply to 12:2–18:22, that is, in the area where there are only vague correspondences to the Decalogue, and then with regard to one of the two transitional texts, namely, 22:1–12.

The superscription at 12:1 makes two decisive juristic statements: one concerning the area of validity (the land “given” by YHWH) and a second concerning the length of the laws’ application (as long as Israel lives in this land). At the same time, the two ordering principles of the legal sections that follow in 12:2–16:12 are probably indicated. YHWH’s charter rights, that is, the prescriptions about worshipping YHWH alone in 12:2–14:21, are determined by the location of the one sanctuary. Thus the spatial dimension is dominant. The cultic and social obligations in 14:22–15:23, however, hold for periodically recurring times and culminate in 16:1–17 with the three annual pilgrimage feasts at the central sanctuary. Thus, here, the temporal dimension dominates.

30. Petschow, *Gesetzestechnik*, 164 n. 107.

In detail, 12:2–31 gives, structurally speaking, the first clear unit: Israel is on the verge of entry into its land, which will be centered on one single sanctuary. The command to destroy foreign places of worship (vv. 2–3) and the prohibition of Canaanite cultic practices (vv. 29–31) frame four laws dealing with the sacrificial cult at the unique sanctuary of Israel. The paragraphs in this central part are shaped in thematic and linguistic parallelism; the successive laws are also connected in a special way with one another and do not compete with each other. The divergent passages within individual laws, introduced with *for* (*ki*) or *but* (*raq*), develop the juristic concretizations in each case. Thus vv. 4–7 prescribe a single place for worshiping YHWH. Verses 8–12 go on to fix the time when this prescription will go into effect. Verses 13–19 make a distinction, consequent on the centralization of the cult, between sacrifice and profane slaughter. Verses 20–28 contain a legal interpretation: they limit the possibilities for this secular slaughter and regulate the treatment of blood, both in profane slaughtering and in the offering of sacrifices at the central sanctuary. All these laws are thematically connected with that one place, so that the local aspect is determinative. Before the temporal aspect relating to it is taken up at 14:22, another motif, dominant in chap. 12, demands development: that of uniqueness. The Canaanites have many gods, and they are worshiped in many sanctuaries. Israel will have but one sanctuary, where it will worship its one and only God YHWH. So it is logical to find in chap. 13 those laws that insure an exclusive veneration of YHWH.

Deuteronomy 12:29–31 thus functions as a structural hinge. This paragraph at the end of chap. 12 is connected primarily to 13:2–3, thus closing the frame around the theme of the single sanctuary. At the same time, however, this prohibition on Canaanite religious practices introduces several themes that will be treated in 13:1–18 [Heb. 2–19] and 14:1–21. For example, the motif of “following other gods” in 12:30 is contained in the first law in chap. 13 (see v. 2), the motif of idol worship in all three laws in chap. 13 (see vv. 2, 6, and 13). With the words *abominable, sons, and burn . . . in the fire*, 12:31 presents the key expressions for the final law in chap. 13 (see vv. 12, 14, and 16) and the first two in chap. 14 (see vv. 1 and 3). Thus the motifs and formulations of 12:30–31 are taken up in order and concretized in specific laws. It is true that chap. 13 is no longer concerned with the adoption of cultic forms, but instead with the gods themselves. However, these are not the gods of the destroyed peoples of Canaan; they are the gods of the surrounding nations, that is, all “other gods,” as such. The motif of “rites of other nations” is taken up in 14:1–21. These verses treat of the

rejection of these rites by Israel, a difference in ritual that makes Israel a contrast society.

The three “casuistic” laws in 13:1–18 are collected under the point of view of Israel’s exclusive loyalty to YHWH. They are particularly true to type in having their closest analogical relationship, in regard to both form and content, in the “Hittite regulations for service,” which also apply to the exclusive loyalty and relationship of service to an overlord. In chap. 13 the whole matter of YHWH’s right to unique worship is explicated on the basis of three extreme social situations: in vv. 1–5, temptation to falling away through prophets, who have the highest competence in this area and command charismatic authority and even miraculous signs; in vv. 6–11, temptation by family members and friends, that is, in the realm of the first and strongest religious experiences and intimacy; in vv. 12–18 the defection of a large group (“city”) from Israel’s socioreligious consensus. These three extreme cases are mutually revealing, are shaped by their subject matter into a unity, and therefore are also attuned linguistically to one another. In addition, whole passages in 13:1–18 are paraphrases of the beginning of the Decalogue.

To the one God for Israel corresponds the unique relationship of the people to YHWH. This relationship sets Israel apart, as “children of YHWH” and “holy people,” from all other nations. The next unit of law, in 14:1–21, is devoted to this theme. Like 13:1–18, this section in 14:1–21 is connected to 12:31. The verbal links between the two emphasize the special interest of this group of laws. In three paragraphs, 14:1–21 makes explicit Israel’s special status in terms of abstention from particular customs and particular foods. Verses 1–2 forbid mourning rites, vv. 3–21a certain foods, and v. 21b a certain way of preparing food. Despite their differing length, they are a single unit. This is especially clear from the formal arrangement. Verses 2 and 21 frame the food prohibitions, while vv. 1 and 21 present an additional, doubled framing determined by motif, which leads into the sphere of life and death, the realm of the ancient Oriental fertility cult and ancient Oriental otherworldly religion. The motif of the “children of YHWH” corresponds to the kid and its mother, and the forbidding of mourning rites corresponds to the prohibition on eating carrion. But as children of YHWH, the Israelites are YHWH’s people, *ʿam*, which really means YHWH’s family. Again the reader is faced with a closed group of laws.

This completes a chain of associations that began in chap. 12. At this point, then, the arrangement can take up the other thematic tension that was indicated there, namely, that of place and time. Chapter 12 groups laws of centralization under the aspect of space, that is, a

place chosen by YHWH. In 13:1–14:21 there is a kind of associative digression. Now, the section 14:22–16:17 begins again with the central sanctuary and, through the arrangement of its laws, unfolds the time aspect. In contrast to chap. 12, where because of the unique legitimate site for worship the laws cannot refer to more than one place, 14:22–16:17 has a variety of times as its direct principle of connection. The bridge between this block and the immediately preceding laws begins with the key word ‘eating’ (^{ʿkl}). It ties the last two laws in the first block of legal material dealing with charter rights (12:2–14:21), namely those prohibiting certain foods in 14:3–21, to the first two laws in the second block of this material (14:22–16:17), namely the orders concerning tithes in 14:22–29. The similarity of content is especially clear if one understands the tithe as “service” (in the sense of “serving” or “regaling” someone at table).³¹

The group of laws in 14:22–15:23 forms the first unit. Common to these laws is the fact that they are all concerned with the elimination, in the context of sacred rhythms, of class distinctions arising in Israel. This applies even to the first law about eating the tithe at the central sanctuary, which adds the statement that the Levites are also to be invited. It is true that the tithe has already been mentioned in chap. 12. But it is only at this later point that its particular modalities are regulated. This shows that it is *not* to be brought to the central sanctuary every year. Instead, according to 14:28–29, in every third and sixth year within the seven-year cycle, the tithe is to be presented in the place where one lives, for the benefit of the poor. But with this statement the question of place has become secondary, and the ordering from the point of view of time comes to the fore. The introduction of time suggests that, in light of the key words ‘annually’ and ‘every three years’, the reader can now turn to the final year of the whole cycle and treat what has to happen “every seven years.” So 15:1–6 speaks of the release of debts that is due in that seventh year, and vv. 7–11 logically follow, with their statement that, in spite of the forgiving of debts due in the seventh year, one should still allow credit to poor Israelites. The law about freeing those enslaved for debt after six years of slavery, that is, in the seventh year, also comes in at this point because of the number seven. Probably this does not refer to the fixed final year of the seven-year cycle, but to the seventh year of each individual’s enslavement, indicating that such manumissions could, in fact, occur in any year. It is then reasonable, after this digression occasioned by the reference to a period of time, to return to the ordinances that apply every

31. N. Airoldi, “La cosidetta ‘decima’ israelitica antica,” *Bib* 55 (1975) 179–210.

year. Thus the law concerning the sacrifice of the firstlings follows. It is to be brought each year to the central sanctuary—and with this law the line of argument returns to the point where it began in 14:22.

The laws in 14:22–15:23 are, at the same time, an example of grouping according to the social status of the subjects touched by them. Thus, according to 14:22–27, at the time of the annual tithing at the sanctuary the Israelite and his household should eat a meal and rejoice; in this, the “Levite” is not to be neglected (v. 27). Next, 14:28–29 directs that in every third year the tithe for the “Levites, the sojourners, the orphans and the widows” is to be presented in the individual towns. The release of debts required in every seventh year is, according to 15:1–6, to be accorded to every “needy kinsman,” and 15:7–11 directs that he should also be offered credit at all times, while 15:12–18 demands the liberation of “enslaved kinspeople” in the seventh year of their enslavement. Finally, 15:19–23 directs that the individual and his household (v. 20) are to eat the firstling of the herd each year at the sanctuary. This links the social ring back to its beginning, for 14:23 already dealt with the firstlings of cattle, sheep and goats and with the family meal at the chosen place.

If the tithe is brought to the central sanctuary during the Feast of Booths, the offering of the firstlings described in 15:19–23 may also be connected with the autumn festival pilgrimage (note the connection in 14:23). But this brings the series of laws to the concluding pilgrimage feast. Therefore in 16:1–17 a new group of laws with a temporal determination can begin with the spring festival and give regulations for the paschal *matzoh* bread, the Feast of Weeks, and the Feast of Booths. Verses 16–17 form a kind of summary conclusion. The theme of “YHWH’s charter rights” has been carried through in its temporal and spatial dimensions, and in this ordering, the laws dealing with the central sanctuary are the corner posts of the arrangement: first the group in chap. 12, then (after the first digression) the laws concerning the annual tithe in 14:22–27, next (after the second digression) the laws in 15:19–23 about the bringing of the firstlings, and finally the group of laws in chap. 16. The so-called “laws of centralization” are thus not arbitrarily inserted, but instead are strategically distributed. The theme of centralization is found later in only two of the laws concerning offices: in 17:8–13, the directions for the judicial court at the central sanctuary; and in 18:1–8, where the rights of the rural Levites at the sanctuary are regulated. Both these laws, of course, are now embedded in new structural arrangements within the deuteronomic charter proposal.

Can 12:2–16:17 be coordinated, as to structure and content, with the first three commandments of the Decalogue? The preceding sketch of the arrangement of laws within this charter of rights shows that the redaction, including its digressions, seems to follow some other principles of systematization. Beyond this, 14:1–21 in particular can only be related in a very roundabout process of reasoning to the commandment regarding the divine name. Therefore as far as redactional criticism is concerned, no original connection of chapters 12–16 with the first three commandments of the Decalogue can have been intended. But this does not exclude the possibility that a later rereading of this text integrated it in the conceptual structure that organized the whole codex in light of the Decalogue. It is only in this sense that what has been said above (see pp. 320–22) can be valid.

Norbert Lohfink has already analyzed the arrangement of 16:18–18:22 in detail.³² As his analysis shows, the individual laws were redacted into a unified charter mainly through associative attraction.

Relating this part of the law to the fourth commandment of the Decalogue appears problematic, not least because of modern exegesis of the command to honor one's parents.³³ Nevertheless, Philo of Alexandria (*De Decalogo* 31.165) already thought that the commandment "regarding respect for parents at the same time points toward many important laws, such as those . . . concerning rulers and the ruled."³⁴ So it is possible that a redactional reinterpretation of the laws regarding office in 16:18–18:22 could have been made on the basis of the Decalogue-structure of the whole legal codex.³⁵

I now proceed to a closer analysis of 22:1–12 as an example of the structuring of a transitional area between two blocks of laws. The text, when taken as a whole, is still generally regarded as an unsystematic collection of the most disparate sorts of regulations.³⁶ These are usually interpreted as humanitarian laws and old taboos for warding off foreign

32. Lohfink, "Sicherheit," esp. pp. 147–58.

33. On this, see R. Albertz, "Hintergrund und Bedeutung des Elterngesetzes im Dekalog," *ZAW* 90 (1978) 348–74.

34. Cited according to Philo of Alexandria, *Die Werke in deutscher Übersetzung*, vol. 1 (2d ed.; ed. L. Cohn et al.; Berlin, 1962) 371–409, at 406.

35. Schultz, *Deuteronomium*, 19–21, sees an extension of the command regarding parents in 16:18–18:22; Guilding, "Notes," 52, cites Philo. Kaufman, "Structure," 133, states with regard to the laws of office, without further qualification: "These rules proclaim the authority figures just as the Fifth Commandment proclaims the authority of the parents within the family."

36. See, for example, A. Phillips, *Deuteronomy* (Cambridge Bible Commentary; Cambridge, 1973) 146; J. A. Thompson, *Deuteronomy. An Introduction and Commentary* (London, 1974) 233.

religious practices.³⁷ But how did the redactor who put them at this place in the codex and in this sequence want them to be understood?

As far as content is concerned, 21:1–23 assembles some rather different laws under the theme of premature death;³⁸ in 22:13–29 all the laws concern forbidden relationships between man and woman. Both these redactional units are structured chiasmically.³⁹ In addition, they are connected with one another by means of a number of linguistic similarities.⁴⁰ These systematic arrangements indirectly isolate 22:1–12 as a compositionally independent intermediate text, since its content unites differing regulations, and it is not chiasmically structured. Finally, it is noteworthy that the rules of ancient Oriental codification, as summarized by Petschow in his five principles of arrangement, are followed in 21:15–21 and 22:13–29, but not in 22:1–12.⁴¹

While the casuistic rules in chap. 21 and in 22:13–29 are almost completely dominated by the third person, both the apodictic and the casuistic laws in 22:1–12 are all addressed in the second person, with the exception of v. 5. Nevertheless, the heterogeneous material in this collection is not gathered under a single perspective.⁴² Instead, it combines two groups of laws. Thus, vv. 1–3, 4, 6–7, and 8 constitute four paragraphs concerning the preservation of animal and human life. They are within the scope of the fifth commandment of the Decalogue. On the other hand, in vv. 5, 9–11, and 12 one finds three (or five) paragraphs forbidding certain types of mixing. With these, one is already in the realm of the sixth commandment. This interpretation will be further clarified below. In any case, the intermediate text 22:1–12 does not lend itself to division into thoroughly separate and sequential parts that can in turn be related to the preceding and following blocks of laws.⁴³ It is, instead, characteristic of this text that its two groups

37. So, e.g., Phillips, *Deuteronomy*, 146.

38. C. M. Carmichael, "A Common Element in Five Supposedly Disparate Laws," *VT* 29 (1979) 129–42.

39. G. J. Wenham and J. G. McConville, "Drafting Techniques in Some Deuteronomic Laws," *VT* 30 (1980) 248–52.

40. *Ibid.* 252 n. 9.

41. See Wagner, "Rest," 236–37.

42. Even A. D. H. Mayes, *Deuteronomy* (New Century Bible Commentary; Grand Rapids, Mich., 1981) who places 22:1–12 under a single title (p. 305), must ultimately admit two different aspects to the redaction to support a thematic ordering of the prohibitions in vv. 5, 9–11. The laws are said to be placed in sequence "out of a concern for the integrity of all forms of life and the preservation of the distinction of the created order" (p. 306). Verse 12 would then be attached here only because of the law which precedes it (p. 309).

43. This against Kaufman, "Structure," who relates 19:1–22:8 to the fifth commandment in the Catholic numbering (pp. 134–37) and 22:9–23:19 to the sixth commandment (pp. 137–39). 22:5 "seems intrusive and may well be displaced from its original position

of laws are interleaved within one another. The confusion of sexes through exchange of clothing in v. 5 is inserted within the realm of "preservation of life," continued by vv. 6–7 and 8. Looking at it from the other side, one sees that allowing the mother bird to live (vv. 6–7) as well as the precautions against a fatal accident in v. 8 intrude into the field of "preventing mixtures" introduced by v. 5. If it were merely a matter of the attraction of associated material, then the things that belong together thematically would be arranged in direct sequence. But evidently the two groups of laws have been redactionally interleaved, so as to give a sharper profile to the transition from one subject to another. Incidentally, the same technique can also be observed in 23:17–24:5 for the transition from the theme of "sexuality" to that of "property."

If it is true that this technique is also used in 22:1–12 to dovetail two groups of laws with differing content, at the same time a subtle joining by means of key words serves to shape a self-contained intermediate text.⁴⁴ In detail, this happens as follows: the law concerning neighborly assistance in v. 4 is shaped, both syntactically and in its formulations, in a way that is largely parallel to v. 1, the beginning of the law about runaway stock and lost property. Whereas v. 1 speaks of oxen and sheep, v. 4 mentions ass and ox; but the ass, which, as a beast of burden, replaces the sheep of v. 1, has been used in v. 3 to begin the list of other lost property, in whose regard one may no more be indifferent than in the case of the lost oxen and sheep of v. 1. Thus v. 4 is connected to v. 1 as well as to v. 3, but differs from both in two respects: first, it reverses the order of the animals, naming first the ass of v. 3 (*ḥāmôr*) and only after that the ox (*šôr*) of v. 1. Second, it uses the expression "fallen down by the way" (*npl* [*Qal*] *badderek*), which corresponds to the helpful gesture of raising the animal.⁴⁵ Both actions, however, are formulated in syntactic parallelism to v. 1. By these common features and differences, v. 4 is certainly distanced from its model in Exod 23:5, but it becomes a connecting link between vv. 1–3 on the one side and vv. 6–10 on the other, for the expressions *ḥāmôr/šôr/npl* [*Qal*] *badderek* serve as key words in an (ornamental) chiasmic structure

among other laws of forbidden mixtures in vv. 9–10" (p. 136). But the clothing motif in v. 5 is an element of a chiasmic structure that extends through vv. 5–12 on the level of content and thus constitutes a bridge between the blocks of laws (p. 136; on this point see n. 47 below).

44. On some of the references that follow, cf. Seitz, *Redaktionsgeschichtliche Studien*, 166, 174–75, 250–51.

45. The opposition of *npl* [*Qal*] and *qum* [*Hiphil*] in the absolute infinitive with finite verb-form is found only here in the OT.

and are repeated, reversing the order of v. 4, in vv. 6, 8 and 10.⁴⁶ Thus, v. 4 could have been given its concrete shape by the redactor of the transitional text as we have it. The prescriptions for clothing in vv. 5 and 11 are connected to one another by the negated verb *lḅš* [*Qal*] [‘to wear’]], which is used only at these two places in Deuteronomy.⁴⁷ Finally, the repeated words that overlap the various laws—*bayit* (v. 2) and *bayit ḥādāš* (v. 8), *šimlā* (v. 3) and *šimlat ʿiššā* (v. 5)—give a feeling of unity. But since both these expressions are only picked up in variations, their repeated use is distinguished from those repetitions within the structure that we mentioned earlier. Despite their differing content, vv. 8 and 9 follow easily on one another within the topic “building a new house and planting a vineyard” (cf. Deut 20:5–7, 28:30).⁴⁸ But formally, v. 9 belongs with vv. 10–11.⁴⁹ Verse 12 is attracted to v. 11 by the subject of “clothing.”⁵⁰

Despite all that has been said, 22:1–12 does not stand as an independent block of text between two others, but as a bridging text it is also linked, both in what it says and the way it says and the way it formulates it, to the laws that precede and follow it. Thus *npl* [*Qal*] is used in Deuteronomy, apart from 22:4 and 8, only in 21:1 to refer to one who has “fallen” in open country, namely a murder victim. When 22:4 calls for the raising of a collapsed animal, apparently one should also think, in the context, that its life is to be preserved thereby. But in any case, someone’s fall from an unprotected house roof (v. 8) would bring about blood guilt, which is designated in Deuteronomy only here and at 19:10 with *dāmîm*.⁵¹ Thus *npl* [*Qal*] and *dāmîm* connect the laws in 22:4, 8 with the field of the fifth commandment in the Decalogue.⁵² As far as the law of neighborly help in vv. 1–3 is concerned, the asso-

46. I am grateful to C. Locher for this observation.

47. In contrast, the chiasmus established by Kaufman (“Structure,” 136) for vv. 5–12 is undifferentiated: clothing (v. 5), animals (vv. 6–7), house (v. 8), field (v. 9), animals (v. 10), clothing (vv. 11–12).

48. Perhaps it is for this reason that ‘field’, which would fit better with ‘sowing’, as apparently preserved by the parallel law in Lev 19:19 from the ancient prototype, is replaced by ‘vineyard’; thus Seitz, *Redaktionsgeschichtliche Studien*, 250–51.

49. It could fit within a chiasmic arrangement on the topical level: mixing of plants (v. 9), mixing of animals (v. 10), mixing of (animal) wool and (vegetable) flax (v. 11).

50. Kaufman, “Structure” (see n. 22 above) 136, sees a possible connection between the edges of the roof, where a parapet is to be erected (v. 8) and the edges of the cloak, where tassels are to be attached (v. 12).

51. The frequent use of *dam* in chap. 19 and in 21:1–9 is particularly noteworthy.

52. Compare Deut 22:8 with the directions about careless killing in Exod 21:33–34 within the context of laws about killing and other bodily harm in 21:12–36.

ciation of death or destruction would have been close to hand with the mention of 'lost goods' ($\text{ʔ}ābēdā$) that 'have been lost' ($\text{ʔ}bd$). Finally, there is also a connection between 22:2 and 21:12: the strayed animal and the woman prisoner of war are to be brought into the interior of one's house ($\text{ʔ}el \text{ } tōk \text{ } bētekā$). These two places represent the only occurrences of this prepositional expression in the Old Testament.

For the discussion of a redactional ordering of individual laws toward particular commandments of the Decalogue, a key role should be ascribed to vv. 6–7. They forbid, when a bird's nest is seized, that the 'mother sitting upon', that is, together with, '(her) young' ($\text{ʔ}ēm \text{ } ʕal \text{ } bānīm$) 'be taken', that is, be killed for one's own nourishment. The expression, following Gen 32:11 and Hos 10:14, represents complete destruction. This prohibition thus belongs to the "commentary" on the fifth commandment of the Decalogue. It is true that nearly all commentators⁵³ up to the present⁵⁴ connect the protection of the mother bird with the commandment concerning parents, the fourth of the Decalogue. In this connection they point to the promise in Deut 22:7, "that it may go well with you, and that you may live long," the same thing that is promised for honor done to human parents in 5:16. This same promise, with the two verbs *yib* ['to go well'] and $\text{ʔ}rk$ [*Hiphil*] ['to be long'] is otherwise found only at 4:40. It is true that in the latter verse it occurs in an extended form, but it still represents the only genuine parallel to 22:7. For only in 4:40 and 22:7 is Israel the addressee and subject of $\text{ʔ}rk$ [*Hiphil*] ['to be long'], whereas in 5:16 "days" is the subject. In addition, the motivation of the commandment about parents in 5:16 reverses the order of the verbs in contrast to 4:40 and 22:7, mentioning first the lengthening of the days of life and afterward, well-being. But I may add that the formula appears in connection with individual commands requiring "respect for life, or for the bearer of life."⁵⁵ The law that regulates the taking of a bird's nest in 22:6–7 can thus be connected only with the fifth commandment of the Decalogue.⁵⁶ But then Guilding's thesis, that the commandments of

53. An exception is, e.g., P. C. Craigie, *The Book of Deuteronomy* (The New International Commentary on the Old Testament; Grand Rapids, Mich., 1976) 288–89. He has nothing to say about v. 7b.

54. Most recently O. Keel, *Das Böcklein in der Milch seiner Mutter und Verwandtes: Im Lichte eines altorientalischen Bildmotivs* (Orbis biblicus et orientalis 33; Fribourg, 1980) 44.

55. R. P. Merendino, *Das deuteronomische Gesetz: Eine literarkritische, gattungs- und überlieferungsgeschichtliche Untersuchung zu Dt 12–26* (Bonner biblische Beiträge 31; Bonn, 1969) 256.

56. On the purpose of this regulation, see Craigie, *Deuteronomy*, 288–89.

the Decalogue are always commented in pairs, in this case the fourth and fifth commandments, loses its only basis in 22:1–12.⁵⁷ The laws in vv. 1–3, 4, 6–7, and 8 belong within the subject matter of the commandment against killing.

In contrast, the laws in 22:5, 9–11, 12 belong to the subsequent field of the sixth commandment. It is possible that they cover an ancient holiness code.⁵⁸ Then the redactor could have placed them before the other sexual regulations for that reason. In any case, together with the cultic-sexual rules concerning acceptance into the assembly of YHWH (23:1–8), the purity of the armed camp (23:9–14), and the prohibition of cult prostitution (23:17–18), they form a redactional “frame” around the laws for marriage and family (22:13–30). One detail of the prohibition of transvestism signals its belonging to the field of the sixth commandment, namely the expression *šimlat ʿiššā* [‘dress of a woman’] since *šimlā* [‘dress, apparel’] specifically with regard to women’s clothing is used otherwise only at 22:17 (note *ʿiššā* in v. 16),⁵⁹ the legal procedures to be followed when a wife is accused of having had premarital intercourse. The taboos against certain combinations in vv. 9–11 reveal a connotative relationship “to religious, and especially sexual mixing.”⁶⁰ Thus the “vineyard” mentioned in v. 9 is also a topos in the language of love. Consequently, the forbidden sowing may have been conceived by the redactor in its sexual aspect (cf. Sir 26:20). According to Deut 22:10, ox and ass are not even to be employed in a common task, whereas the parallel in Lev 19:19 forbids only the inter-

57. Against Guilding, “Notes,” 47–48, esp. 48. Oddly enough, he limits the block of text that is supposed to correspond to the commandments about parents and about killing to 16:18–22:8, whereas the next block begins only at 22:13. In this way, vv. 9–12 are, without explanation, left out of consideration.

58. This is the import of many explanations given for these verses. The text itself speaks explicitly of the transvestism in v. 5 as “an abomination for YHWH” (*tôʿēbā*); on this point see W. H. P. Römer, “Randbemerkungen zur Travestie von Deut. 22,5,” in *Travels in the World of the Old Testament: Fs. M. A. Beek* (ed. M. S. H. G. Heerma Von Voss et al.; *Studia Semitica Neerlandica* 16; Assen, 1974) 217–22. The common sowing and harvest “become holy,” that is, they are withdrawn from normal use, and are forfeit to the sanctuary. The wearing of tassels demanded by v. 12 is (re)interpreted in Num 15:37–41 in terms of faith in YHWH.

59. In the nearer context, 21:13 speaks expressly of *šimlat šibyā*, and 22:3 and 24:13 of *šimlātō*.

60. C. Steuernagel, *Das Deuteronomium* (2d ed. HAT I/3,1; Göttingen, 1923) 132. In addition, C. M. Carmichael, “Forbidden Mixtures,” *VT* 32 (1982) 394–415, surmises a sexual meaning. But he bases its origin on “cryptic remarks of Jacob about the actions of his sons” (p. 411). These are imaginative speculations, but can scarcely be maintained exegetically.

breeding of two different kinds of animal. It is noticeable that this prohibition of any bastardizing of animals and of other mixing in Leviticus precedes the law about the misconduct of another man's concubine (19:20–21). In Deut 22:12 the words *kēsūt* 'cloak' and *ksh* [*Piel*] 'cover', which are missing in the parallel at Num 15:37–41, may betray the redactor's intention: they refer to the covering of nakedness, for *kēsūt*, which is found only here in Deuteronomy, describes, as in Exod 22:26, the blanket that is worn by the poor as a cloak (*śimlâ*, cf. Deut 24:13) over the naked body, as in Job 24:7 and 31:19 and metaphorically in 26:6. But *ksh* [*Piel*] [‘cover’] is used in Deuteronomy otherwise only at 23:13 for the covering up of excrement. So the tassels may simply have weighted and drawn down the corners of the square cloak, in order “to protect the body, and especially the private parts, from being uncovered.”⁶¹ Consequently, a rationalization like that in Num 15:38–40 appeared unnecessary.

The preceding analyses of the disposition of the text reveal clear distinctions between the systematization of the “charter rights” (12:2–16:17) and the “constitutional provisions” (16:18–18:22) on the one hand and the structure that shapes the transitional section in 22:1–12. In addition, the ordering of the prescriptions in the “penal and civil code” (chaps. 19–25) diverges from the preceding parts of the codex also in the way in which the groups of laws are brought into approximately relationship with the individual commandments of the Decalogue. Besides this, the laws from chap. 21 to chap. 25 are those least affected by deuteronomistic language. There is an intention behind them whose interest is not primarily covenant theology or paranesis, but clearly and simply jurisprudence. It is also here most frequently, within the legal corpus, that reference is made to material from the book of the covenant (Exodus 21–23). Only within chaps. 19–25 are the so-called *bi'arta* laws⁶² correctly arranged in relation to the respective commandments of the Decalogue.⁶³ This observation already permits one to conclude that probably, in the history of development of the deuteronomistic legal corpus, chaps. 12–18 lay to hand for the redactor who wanted to understand the deuteronomistic codex according to the Decalogue and then to give a juristic expansion, in light of the

61. This was already noted by Schultz, *Deuteronomium*, 559; see also pp. 559–60 on corresponding Jewish views and customs; most recently Phillips, *Deuteronomy*, 147.

62. Against F.-L. Hossfeld, *Der Dekalog: Seine späten Fassungen: Die originale Komposition und seine Vorstufen* (Orbis biblicus et orientalis 45; Fribourg, 1982) 279–80, esp. n. 247.

63. Thus the laws in 19:11–13, 16:21; 21:1–9, 18–21 are related to the fifth commandment, 22:13–21, 22, 23–27 to the sixth, and 24:7 to the seventh.

Decalogue, to this book of laws, which was regarded as incomplete. Thus the laws were only secondarily integrated into this concept and for that reason can only be interpreted with difficulty on the basis of the Decalogue as model. But the laws regarding offices can only have been edited into a unified group during the Exile.⁶⁴ This means that the deuteronomic collection of laws can only have been expanded and structured in imitation of the Decalogue during the Exile or afterward. This says nothing about the age of the laws that were included. But probably the laws in chaps. 21–25, from a redaction-critical standpoint, must be said to constitute the newest part of the deuteronomic codex.

The older laws were thus mainly directed to cultic and social matters. During the Exile an ordering of offices that served to establish a division of power (and thereby was critical of the state) was added, and afterward a still more detailed code of laws was included. The “charter of YHWH’s rights” in chaps. 12–16 and 26, which is thus both historically and theologically the core of the deuteronomic collection of laws, now forms a kind of “frame” around the whole. In the intention of the final redaction, the system of the whole body of laws is to be interpreted on the basis of the order of the Ten Commandments. The individual laws thus appear as concretizations of the Decalogue. This need not necessarily agree with a modern historical-critical exegesis of the Decalogue. The double expression “statutes and ordinances” (*ḥuqqîm ûmišpātîm*) in fact signals a commentary of the Decalogue through the deuteronomic legal corpus, since its structure, at the level of final redaction, is oriented to the order of the commandments of the Decalogue.

There can be no doubt that much of what has been sketched above as a series of theses is in need of further detailed investigation. But if the results here presented are correct, the following theologically important consequence, among others, emerges: The Decalogue and the legal codex are embraced, in Deuteronomy, by YHWH’s covenant with Israel. Therefore the Decalogue was “never understood as an absolute law of moral conduct”⁶⁵ in Israel. But the deuteronomic redaction has decided that the Decalogue may never be divorced from the law that interprets it. This relationship of the Decalogue to the individual laws as its context is, of course, as the parallels in Exodus 20 already show, temporally determined. But since then there can be, for hermeneutics, no retreat from the principle of such a connection between the Decalogue and the individual laws as the regulations for its accomplish-

64. Lohfink, “Sicherheit,” 149.

65. G. von Rad, *Theologie des Alten Testaments I: Die Theologie der geschichtlichen Überlieferungen Israels* (6th ed.; Munich, 1968) 207.

ment. In the law, the Decalogue finds its "positive content" and thus is enabled "to furnish positive norms for the conduct of life."⁶⁶ Conversely, the deuteronomic collection of laws systematized on the basis of the Decalogue can, according to the prologue to the Decalogue (5:6) only be realized under the precondition of that freedom for which YHWH has redeemed his people.⁶⁷

66. Against G. von Rad, *Theologie*, 208, who with these words denies that the Decalogue can be "a directive for moral life" (*loc. cit.*). F. Crüsemann has most recently held the same position: *Bewahrung der Freiheit: Das Thema des Dekalogs in sozialgeschichtlicher Perspektive* (Munich, 1983) 8–13, 81–82.

67. A continuation of this article is to appear under the title, "Zur Abfolge der Gesetze in Deuteronomium 16, 18–21,23: Weitere Beobachtungen," probably in *Bib* 69 (1988). [This article was published in *Bib* 69, pp. 63–92.]