

**'Conservative Reform'.
Deuteronomy from the perspective of
the Sociology of Knowledge**

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ABSTRACT

Deuteronomy is the most important document of reform of two movements, who wanted to conserve the authenticity of the identity of Israel as Yahweh-community: a movement of restoration under King Josiah, which was primarily cultically and politically-oriented, and a strongly socially-oriented movement of return in the time of the Babylonian Exile. The three societal forms with which Israel experimented throughout its history are at the same time reflected in the legal and social order of the Deuteronomic Torah. Therefore, Deuteronomy constitutes the Old Testament 'theology of God's People', the theory for the social inner life of a 'civilization of love' - or, in modern terms, a kind of ecclesiological systematics. The paper is an attempt at revealing this through the means of history and literary science, and especially from the perspective of the Sociology of Knowledge. In other words, it is to be revealed as the formulation of Israel's symbolic universe, determined by specific political, economical, social and religious assumptions which at the same time reflect and regulate this symbolic universe - the latter being the world-view of the Yahweh-faith.

A INTRODUCTION

The reform that I wish to discuss below refers to a 'pivotal time' in the religious and social history of Israel, covering two periods. The first period is the concluding days of the Judaic monarchy, and more specifically, the reign of King Josiah during the second half of the seventh century BC. The second period would be the Babylonian Exile, starting a few decades later. The reform was sustained over a vast stretch by different 'movements': during the Josianic period by a predominantly cultic and politically oriented 'Restoration Movement'; during the Exilic period by a 'Return Movement'. Not only were these movements interlinked by a common aim, but they also shared their literary producers. Numbering among them are some Jerusalem-based officials, the names of which we are familiar with in certain cases, such as the Shaphan-family who are even attested extra-Biblically.

I refer to a '*conservative*' reform - indeed in a literal sense, to a reform 'preserving' authenticities - because, when considering the Josianic Renewal Movement, we really are dealing with a 'constructive restoration' (S Herrmann). The juridical social **Utopias** created by the Babylonian Return Movement, too, were meant to lead Israel back to its original identity and in this movement, reference was made to ancient Law material.

Both movements formulated their decisive theological thoughts and juridical codifications in *Deuteronomy* as their most significant, if not their only, foundational document. They repeatedly enlarged, continued and at the same time actualised the text until the end of the Exile. In my presentation I shall be reducing this literary growth process on account of pragmatic considerations to these two decisive theological phases - to the pre-exilic Deuteronomic Torah as covenantal document from the time of Josiah and to that version of Deuteronomy already widely presented in its current form shortly after the end of the Babylonian Exile as scholarly document of Reform. It was this legal and social ordering that actually established Israel as a community associated with Yahweh, as the 'People of God'. In a certain sense it mirrored the three forms of community with which Israel experimented during the course of its history. It is the attempt of Deuteronomy to reconcile the communal ideals of the early anti-national days with the monarchy, that is, with the state; on the fringes of this document, though, can be traced the stateless existence of the exilic and post-exilic times. It constitutes *the* Old Testament 'theology of God's People', the theory for the social inner life of a 'civilization of love' - or, in modern language, ecclesiological systematics. Later, it served as canonical example to the first Christian community in Jerusalem. Someone looking for Biblical inspiration for a reform of the Christian church can therefore expect to find some stimulus from this Deuteronomic model. The task of the Old Testament scientist, though, does not really include the discovering of contemporary analogies.

From these introductory remarks it might already have become clear that I shall rather approach my theme primarily from the perspective of history and literary science. As is indicated by the title of this paper, I shall do so with the addition of some perspectives from the Sociology of Knowledge. Therefore, allow me to add a few remarks on this aspect. When using the term 'Sociology of Knowledge', I am referring to the approach of Peter L Berger and Thomas Luckmann and their co-written book *The social construction of reality* (1967). Sociology of Knowledge

concerns itself with the relation between social and institutionalised patterns of behaviour, and with the theoretical reflection on these forms of behaviour. In other words, at issue are the political, economic, social and religious conditions under which particular social theories find their expression; and reciprocally, it also concerns the meaning of these theories that rule and legitimate all social patterns of behaviour, which also can be expressed after being reflected upon, can be under the control of theoreticians, and can be embedded themselves in yet another symbolic universe. In our case, this means that social theory or ecclesiastical theory can be found in Deuteronomy. The different versions of the book were produced by an educated elite, initially in Jerusalem and later in Babylon. They were presented as theology, that is, as theoretic-systematic expression of Israel's symbolic universe. The all-encompassing world-view would be faith in Yahweh. Thus far the introduction.

B CULTURE SHOCK AND THEOLOGY - THE CONSTRUCTIVE RESTORATION' OF THE JOSIANIC PERIOD

1 The first main section of this lecture is dedicated to the *Deuteronomic phenomenon of the Josianic period*. This is the answer to an *identity crisis* within Judah. At the time, Judah was a satellite state of the New Assyrian Empire. This dependence implied that it would also be inautonomous in extra-political matters, that it would suffer economic exploitation through liability to payment of tribute, and not least, that it would be subject to massive cultural and religious influences in all walks of life. The military power and the victory in the name of the god Asshur, the economic potency, erudition and the impressive cult suddenly confronting it, shook the self-consciousness of the little vassal, Judah, to the core. The world had grown pluralistic. Suddenly, one could think, act and pray in alternative ways. The Judaic society had sustained 'culture shock*' (Lohfink). The plausibility of their own understanding evaporated and their emotional attachment to the traditions of the faith in Yahweh that had been handed down to them, paled into insignificance. This explains the revival in religious undercurrents, such as the exponential expansion of small Ashera-figurines made of clay, presenting themselves in almost every second urban household as individual family icons. Judah's own faith was eclipsed by foreign patterns of thought and action. In Jerusalem, the women started baking

raisin cakes to the queen of heaven, while the men burned incense to the stellar divinities on the rooftops or even offered their babies to Moloch in the Hinnom valley (Jr 7 and 44). Yahweh's prestige declined, Judah lost its identity as one people and as Yahweh's society.

However, fear, helplessness and adjustment were followed by reaction; the crisis of tradition provoked a spurt of innovation. By the time of King Josiah (640-609 BC), Assyrian control had weakened somewhat, and in Judah an extensive *national and religious renewal movement* resulted. It was the aim of this movement to utilise this opportunity towards reconstituting the society of Yahweh within an own, independent state. It had among its members the decision-makers of the society of the day, different groups of notables of Judaic society - court officials trained in legal matters, aristocrats and intellectuals, the Jerusalem priesthood of the Temple who had a high regard for tradition, individual prophets, the manager of Judaic agriculture, as well as members of the middle class. Spearheading them were Hilkiah the priest and Shaphan the scribe, the two most important court officials of King Josiah. This 'restoration movement of the Josianic period' (Lohfink) thus combined authority and theological education. It was aimed at restoring the land of the erstwhile twelve tribes in its totality under the rule of *one* king, as it had been in the days of King David, and to establish Jerusalem as cultic headquarters for Yahweh, the God of Israel. This it considered as restoration: the remodelling of the state in creating a set of circumstances in which the ideals of the authentic early community of Yahweh could be realised. One of the instruments in the hands of these reformers, arguably the most important one on a theoretical level, was the reworked version of the old traditions of faith in Yahweh. Numbering among the texts of this movement were documents as linguistically and theologically varied, as the book of Zephaniah, a new edition of the book of Isaiah and poems of the young prophet Jeremiah. The so-called '*Proto-Deuteronomy*', though, occupied centre-stage.

This had been 'found' in 621 BC on site during renovations to the Temple and it was recognised by Hilkiah as being 'the torah scroll' (2 Ki 22:8). Thereupon, the king and people of Judah and Jerusalem bound themselves to the Deuteronomic law in a 'covenant of God', that is, in a treaty (2 Ki 23:1-3; cf Dt 6:17). At the time it probably consisted essentially only of regulations for the reform of the liturgy, especially for the purging of the cult of all foreign idolatrous elements, and for the

centralisation of the cult in Jerusalem, which housed the sanctuary that from then on would be the only legitimate place of worship in Judah. In Proto-Deuteronomy, 'political theology' gleaned from liturgy was propagated, and to this issue I shall be returning. Shortly after this stage, this *Deuteronomic treaty document* was added to an account of Israel's desert wanderings and conquest of the land (Dt 1-3*, 31; Jos*). This account quoted the Decalogue as Magna Charta (Dt5), but it also related the delay in and eventual final sealing of the covenant, which took place on Mount Horeb, as Sinai, the mountain of God, is called in Deuteronomy (Dt 9 and 10). Furthermore, this expanded version of Deuteronomy is presented as the valedictory address of Moses delivered immediately before his death, on the threshold of the Promised Land. This piece of literary fiction was supposed to confirm the binding introduction of the Law as well as Josiah's attempts to expand the kingdom to previous Israelite areas, as being a return to the origin. It was thoroughbred *Mosaic-'conservative'* theology, meant to preserve the ancient, authentic matter of concern of the faith in Yahweh. Ultimately this book, combining parts of our Deuteronomy with parts of the book of Joshua, was probably expanded into an account of history, spanning the times of Moses until Josiah, the king reigning at the time, and including texts up to the second book of Kings. This first, pre-exilic version of the so-called '*Deuteronomistic History*' was supposed to legitimize the Josianic reform and its claims by means of a presentation of the history of Israel up to that point in time. But let us return to Proto-Deuteronomy and the way in which it was publicised as a Josianic document of Law and Covenant.

2 The Torah that was validated by Josiah through an oath-taking ritual could previously well have been a textbook on the Law of Yahweh'. Presumably it was developed around 700 BC from the Law of privilege, Exodus 34*, and the Book of the Covenant (Ex 20-23*; cf 20:22-24 with Dt 12*), by commission of King Hezekiah. During the violent persecutions suffered under Manasseh it was hidden by somebody and eventually it fell into oblivion. After its rediscovery its legal character was altered *from textbook to treaty*, and through this new guise it was exactly the New Assyrian milieu that became visible. Thus, it would seem, the traditions of the faith in Yahweh could again be presented in a manner that would appeal to public taste, for during the seventh century, the New Assyrian empire had been inundated by a series of oath-taking rituals and formal treaties, knitting the Empire together. Assyrian federomania even reached a point at which, for example,

the god Asshur sealed a treaty with the Assyrian people on behalf of their supreme ruler, Esarhaddon. The Assyrian treaty system, with its pomp and ceremony and its rhetoric, must have appeared a symbol of superior reality to the little vassal Judah there on the outskirts of the Empire, feeling so insecure in itself. For that, there also was an ancient, intra-Israelite background, (e.g. in the Jerusalem royal ceremony - cf 2 Ki 11:17 - in the Law of Yahweh's Privilege, Ex 34*, or in Hs 8:1). To the mind of the Judaeans of the eighth and seventh centuries, though, these were but side issues in Israel's tradition. Through acknowledging the 'treaty' - the 'covenant', as it is usually called - to be typical of this superior culture, they became the basic category for Judah's understanding of its relationship to its own God. Therefore, Proto-Deuteronomy was made to fit the structure of a 'covenant' between Israel and Yahweh, presenting him as actual and as one and only supreme Ruler. In this way, the document of the treaty became a document of the Israelite identity and independence. It was presented in the form of high rhetorical art prose in the Assyrian style, meant to be read aloud in public, and it was provided with an own ritual of 'sealing of the covenant' (Dt 26:17-19; cf 2 Ki 23:1-3), as well as one of 'renewal of the covenant' (cf Dt 31:9-13). Thus the main elements of Judah's rival culture - the Assyrian world-view together with its verbal and ritual manifestations - were reworked to become the focal point of the own synthesis while at the same time they were transformed in an integrational way. To explicate this point, I shall present some examples. The trend-setting elements of the foreign culture could now be enjoyed by Judaeans as well, without having to forsake their own tradition. This corresponded to the expectations of the people of Jerusalem and Judah, and breathed new life into their own faded communal memory. It provided them with a new sense of self-awareness, and above all, it was directed towards Yahweh.

Proto-Deuteronomy represents the first instance in Israel/Judah of what one has to describe as '*Theology*' or systematology, in the stricter sense of the word. The situation of culture shock usually grows to become the hour of the theorist. When referring to a non-secular community, one would say it is the hour of the theologian. The Josianic Deuteronomy is an example of Theology as 'answer to plausibility crises in emerging pluralistic situations' (Lohfink). In addition, this oldest Biblical Theology points to a fact that still remains valid for Theology: not only does Theology have to be 'true', but it also needs to be 'correct' in the sense of 'contemporary', it has to be 'contextual theology', in the language of our day. Theology

needs to be innovative in its thoughts and formulations. Thus, it also becomes 'Practical Theology'; it evolves into an instrument with which the Old Testament and arguably also the New Testament Church can be renewed. This, however, can only happen under one condition: Theology has to reflect the contemporary experiences of the 'People', that is, of the Church as a community, while staying true to its authentic traditions.

3 The *Deuteronomic 'Covenant Theology'* is best described according to its *fundamental principle*, which has also become significant for the Christian church. The principle is, 'To love God as People / as Church'. Ancient Near-Eastern vassal treaties in Deuteronomy, comprising the background to God's covenant with Israel, often formulated the obligation of the vassal king towards his overlord as 'loving him alone with all the heart and with all the soul'. The treaty, to which King Josiah obligated himself and his people in the temple at Jerusalem, opened with similar words (Dt 6:4-5):

**Hear, Israel!
Yahweh our God, Yahweh is the only One!
You shall love Yahweh, your Lord with all your heart and all your soul and all your strength!**

These sentences are familiar to us as the 'most important of all the commandments' to which Jesus refers the scribe (Mk 12:28-30) - and by the way thoroughly in accordance with Deuteronomy, for which here, too, the foremost commandment of God's covenant is at issue. What is often overlooked, though, is the subject of this commandment. The collective You of Israel is called upon to love, and only within it, also the individual Israelite. Only the people as such, as society, are the ones that are ultimately able to fulfil this foremost commandment. For Israel would love God by keeping his social order, namely the Deuteronomic law that followed. God demands this communal love because that is the only means of creating a reality in which the social order would be determined not by violence or by a class system, but by brotherly/sisterly principles; thus, where the same conduct that usually is encountered only within a family, will also be operative in the public sphere. This brotherly/sisterly community is already realistic-symbolically anticipated when, on the occasion of a festival, all Israel gathers at the central sanctuary to partake of a communal sacrificial meal and to appear before God in absolute jubilation. To this

aspect I shall presently return. The important issue, therefore, is that Israel as a whole, the Old Testament church, the People as such, loves God, and more specifically, *its* God, namely Yahweh, and him *only*. For the other gods, encountered in Israel's surroundings, represent other, ultimately inhumane social systems. Israel's love for *its* 'One and Only', and therefore their 'civilization of love', stems from its 'hearing' - 'Hear, Israel!' - it is, therefore, *amor ex auditu*. This act of listening is institutionalised in Deuteronomy and it establishes a community developing from the learning and proclamation at the festival.

4 The rediscovered Torah-document presented itself as textbook. If it were to be implemented as constitution of the state on account of God's covenant, it would require a system of theoretical schooling. In order to bring about the transformation of society towards favouring the faith in Yahweh, people now for the first time in the history of Israel actually started to 'learn' in a technocratic sense. Within the advanced civilizations of the antique world, Deuteronomy therefore became a *'paradigm for cultural mnemonics'* (Assmann).

Linked directly to the above-mentioned 'Hear, Israel!', we find probably the oldest paraenesis in Deuteronomy on teaching and learning. It is not aimed at the raising of an elite, but addresses itself to all of 'Israel', thus having as its purpose, the formation of a culture of conversation and remembrance for all generations, both men and women. The fixed locations for this communal 'recitation' and the presence of the text renders almost impossible the exclusion of daughters from learning and therefore of women from reciting. Deuteronomy 6:6-9 instructs:

These words, which I am commanding you today, shall be written on your heart; and you shall repeat them to your sons and shall talk of them (recite them) when you sit in your house and when you walk by the way and when you lie down and when you rise up. And you shall bind them as a sign on your hand and they shall be as frontlets on your forehead. And you shall write them on the doorposts of your house and in your gates.

This 'meditation', that is, the complete internalisation of the Deuteronomic model of society, by constantly repeating it in an undertone, reaches to all spheres of life. It is to be 'recited' 'when sitting down' and 'when walking' - thus, in all circumstances; 'in the house', that is, in private, and 'on the way' in the public sphere - thus, in all places; 'when lying down' and 'when rising up' - thus, at all times. 'The words' themselves are to be kept 'on the heart' and are also to be

fastened to the body as decoration and as confession. In this way they are at the disposal of each person, but are also inscribed on the plaster of the walls, next to the doorposts of the houses and of the city gates for the sake of both family and community. In this way, they are continuously being heard, felt, and seen. People use all their senses to move about within them, so to speak, as they would within a landscape. Where it concerns the internalisation of the Deuteronomic Torah, there is no distinction between the public and private spheres of life - just as according to Deuteronomy neither a 'publicly irrelevant private religion', nor a 'state religion devoid of inner participation' is supposed to exist. Based upon this paraenesis on learning, Deuteronomy later concludes (in view of the horizon of the New Covenant and the internalised Torah of Jr 31:33-34): 'The word is very near to you, it is in your mouth and in your heart, you can observe it.' (Dt 30:14).

Thus, children initially learn the social order of Israel, Yahweh's declaration of love to his people, and the ideal picture of his loved one, outwardly. Then, when later they are able to discern between the identity of their own society and that of the peoples surrounding them and start asking why the Israelites conduct their lives in a different manner, their identity can no longer be kept simply by handing down elementary articles of faith. Preserving the faith has to move beyond that, towards dialogue between the generations. The question is directed towards the meaning of their own social order, while they are presumed to be already quite familiar with it because of the above-cited paraenesis towards learning. The parents now have to relate their own experience of God and they have to testify to the history of their people in relation to this God. However, this spontaneously required catechesis is by no means haphazardly and momentarily thought out, but has been previously formulated and given to them in traditional terms. With this blueprint, Deuteronomy underscores the intrinsic connection between tradition and teaching. At the same time, however, it presents the answer of the older generation as a quasi-liturgical concurrence with the experiences of the generation of the Exodus and Horeb, by using 'us' and 'we'. Decisive for belonging to Israel, therefore, would not primarily be biological continuity, but the witness of this 'we', those who were led out of Egypt, the redeemed. Moreover, it is of no mean theological significance, that the answer in 6:21-25 that 'God did, God gave' and 'God commanded' inseparably joined Dogmatics and Ethics:

**We were slaves to Pharaoh in Egypt,
 but Yahweh led us out of Egypt with a mighty hand.
 Yahweh did great and distressing signs and wonders before our eyes against Egypt,
 Pharaoh and all his household;
 and He led us out from there
 in order to bring us into
 the land which He had sworn to our fathers and to give it to us
 Yahweh commanded us to observe all these statutes and to fear Yahweh our God
 so that we might always prosper and He grants us life, as we have it today.
 Only then will we be in the right before God if we are careful to observe this whole law
 before Yahweh our God, just as He made it our duty.**

In modern terms, we are dealing here with a 'short credal formula'. This *catechetic creed* relates the Exodus from Egypt according to the pattern of an instance of slave-liberation. Someone who was able either to ransom a slave from his circumstances, or to 'lead' him 'out' by force, thereby became the new master of the slave. He could then 'bring' him 'into' his household, in the specific legal sense of the word, make him his slave, and make certain claims on him. The emancipation of Israel from its Egyptian slavery, was a legal action of this kind: Israel was led out from Pharaoh's control and into that of Yahweh. The reign of God, though, virtually implies the annulment of human power. It does not yoke, but rather bestows life. Its course runs through a social system, through which God creates a society, totally in contrast to the system that Israel has left by exodus - for in this new system, righteousness holds sway.

The catechetic creed, apart from its legal systematisation of the theology of the covenant, exemplifies yet another aspect of the Deuteronomic systematics: it presents theology in easily memorised short formulas. The aim of this technique is to make the old, dissimilar traditions of Israel transparent towards what is contemporarily relevant, and at that, once again to make these manifold traditions clear, brilliant and convincing. To this effect, not only Dogmatics were systematised in credal formulas; here we also have to mention the so-called small historical creed (Dt 26:5-10) alongside the catechetic. Ethics, too, were cast in a short credal mould: the Decalogue (Dt 5:6-21).

5 'Meditation' on the Mosaic Law vastly surpassed mere didactics, to create a whole new reality. It rigs the first institutional scaffolding of the social reform with which Josiah would attempt to salvage the identity of Israel as Yahweh's people.

The second underpinning structure can be found in a *new festal theory*. This aided reform and centralisation of the cult in the Jerusalem Temple. Simultaneously, it integrated in itself the true humane values of the foreign cults, by also allowing women access to the altar and bringing an all-encompassing joy into the centre of its liturgy. In the course of this, it integrated a subjective religious consciousness with faith acted out in an ecclesial context. Or, viewed from another perspective: If the family is to be considered the every-day scenario for Israel's socialisation and its attempts at interpreting its world, then the gathering of the whole people for festivals and celebrations would in a way be the specific location thereof.

The society, arising from God's word being taught and learned within the families, year after year finds its purest self-depiction in festival and celebration. Again, Deuteronomy presented the first instance in the Old Testament of a certain systematic reflection on this fact. Whenever Israel would bring its offerings and gifts to the one and only sanctuary, the temple in Jerusalem, both men and women would equally be allowed to bring sacrifices; or when they would observe the Feast of Weeks or the Feast of Tabernacles there - and at that, 'before Yahweh', meaning, partaking in meals and rejoicing in mystical union with him, then all class differences would be overcome. With the individual family as basis, a world of happiness and communication emerges, because 'you' (i.e., the liberated man and woman) were supposed to be joyful, and further, "your son and daughter, your slave and slave-girl, also the Levites, who have the right to live within the reach of your cities, furthermore the strangers, orphans and widows" - that is, everyone having a claim to being taken care of - '*living in your midst*,' - therefore considered to be neighbours (Dt 16:11, cf v 14). According to the so-called 'Festal calendar' (Dt 16:1-17), the 'feasts' however are but one of the basic forms of the Deuteronomic folk liturgy. The 'celebration' of Passover faces/opposes these 'feasts'. It was Deuteronomy that converted it into a communal rite of the whole people, and transferred it to the Jerusalem Temple (cf 2 Ki 23:21-23). It also included the old-Israelite feast of the Unleavened Bread. It is a commemoration of suffering, because through the communal meal of offering, it recalls the distress of the nightly exodus from Egypt in the form of a cultic drama. In eating the round, flat unleavened bread-loaf, the food of their distress and also symbolising their being en route, the people of Israel, already living in the Promised Land, were being reconstituted as a people of the Exodus. In future, too, Israel would have to preserve the liberation to which it owes its history.

Yet, the Decalogue and the rules of its implementation, that is, the individual laws of Deuteronomy, represent a code of ethics for the liberated people, those redeemed under the precondition and programme according to which Yahweh has led his people from Egypt, the land of slavery (Dt 5:6). Festival and celebration thus turn into the ultimate scenes of ecclesio- and sociogenesis, precisely because they aim, as is the case with love towards God, unconditionally at a communal 'being before God' and at intimacy with him.

6 I have spoken about an institutionalised act of 'hearing'. The archetypal 'place' of the first gathering of all Israel for 'hearing', was the 'Day of Assembly' at the Mountain of God, Horeb. There, the 'convened, assembled' (Hebrew לִקְרָא) people were constituted as Greek ἐκκλησία or *auvayuyfj*, that is, as Old Testament church (Dt 5:22). To it, God had revealed the Decalogue and then had the Deuteronomic laws proclaimed by Moses in the land of Moab. As soon as Israel settles its land, it regularly has to retransfer itself to this original situation to which it owes its covenant law, by means of a *festal ritual of learning*. By doing that, the collective learning of the Torah links up with the cult, and within the collective consciousness, Israel becomes reborn as the society of Yahweh. On enlarging the Josianic treaty document, the Deuteronomists added the following instruction as a type of 'Covenant Renewal' in Deuteronomy 31:10-13:

Every seven years, during one of the festivals in the fallow year, during the feast of Tabernacles, when all Israel meets together to see the face of Yahweh your God at the place which Yahweh will choose, you shall read this instruction aloud before all Israel. Assemble the people - men and women, children and old men, in addition the strangers that have the right to live within the reach of your cities - that they can listen and memorise and fear Yahweh your God, and take care to observe all the regulations of this instruction. Above all their children, who do not yet know all this, shall listen and learn to fear Yahweh your God.

It is in this 'fallow year', that all compatriots have their debts cancelled (Dt 15:1-3). Thus, the initial equality is reinstated. At the same time, the Feast of Tabernacles is celebrated, to which all are invited to eat, drink and just rejoice for all of seven days in Jerusalem (Dt 16:13-15). In the middle of this fete, it will then happen that the Deuteronomic Torah will be said first by the priest and repeated in a choir by the assembled multitudes. This shared listening to and repeating of the text, produces within them the 'fear of Yahweh', that is, that fascinating tremor for

the first time experienced by Israel on the occasion of the theophany at the mountain of God, Horeb. This tremor distinguishes the daily reciting of the Law within the circle of the family from its cultic recitation in the presence of all Israel. Mysticism therefore acts as mediator between the text and its realisation. Only through this mysticism the collective learning actually reaches its practical goal, namely, that the Torah is to be acted out in everyday life (31:12). In Deuteronomy, this mystic fear of God is an aspect of the love for God.

7 Deuteronomy, this first Old Testament systematic to be carried out reflectively, along with other factors such as a national elation, succeeded in bringing Israel back again to its God and therefore also to itself, amidst the pluralism of strange religions and cultures. As a simultaneously conservative-defensive and transformational-offensive theology, it brought about changes in the world of thinking that ultimately unfolded itself only within the 61ist groups that have been carried off into banishment by the Neo-Babylonians. Yet, the Reform coalition that has supported Deuteronomy and the emerging Deuteronomists, collapsed under the intensified social, as well as foreign and domestic political conflicts after Josiah's violent death.

C TRANSFORMATION OF THE DEUTERONOMIC COVENANT THEOLOGY AND FRATERNAL ETHICS - RELATION TO GOD AND SOCIAL UTOPIAS DURING THE EXILE

The second main part of this lecture is dedicated to those Deuteronomistic texts that have been imported into Deuteronomy during the Babylonian Exile, to deal with the institutional chaos reigning in the old home-country, Palestine, and in the lands of the banishment, after the fall of Jerusalem in 586 BC. Probably no other phase in Israel's history proved itself more productive in the literary field, and more significant for the continued existence of the experiment of a 'society fulfilling Yahweh's expectations', than the time of the Babylonian Exile. Here, under hothouse- and operating-theatre conditions, so to speak, much was acknowledged and expressed, that has since then formed the theological, ethical, et cetera, yardstick for Israel and then also for the Christian church. In that time the hour not only of the theorist, but also of the **Utopian**, had come. Both can be detected in the Deuteronomistic literature. Examples include: the theory of a distinct conception of history, and the theology of a new 'covenant', founded on repentance and grace;

further also the (realistic) **Utopia** of a power-separating constitutional draft (Dt 16:18-18:22) and the construction of a brotherly/sisterly community devoid of the poor.

1 First, I outline the *institutional decline after the fall of Jerusalem and the new structures of the Exile*, in order to deduce from that a conceptualisation regarding Sociology of Knowledge. In the catastrophe of 586 BC the people lost its land, the individual families their soil. The capital having been associated with the theology of Zion which legitimised the state since the time of David, and its temple having been elevated to the position of sole legitimate sanctuary by Josiah's centralisation of the cult, had systematically been destroyed by the New-Babylonians. The last king, Zedekiah, was blinded and carried off after his sons had been killed before his own eyes. Gedaliah, the uncle of Josiah's state chancellor Shaphan, had afterward been installed by Nebuchadnezzar as Babylonian commissary of peace in the land that has been destroyed and bled white, but he fell prey to assassination by revanchists. In panic, most of those who had yet remained in the land, fled to Egypt. The remainder of the social roles connected with the administration, became extinct.

In Babylon, the exiles had been settled in closed groups, in order not to perish completely. However, merely trying to survive, did not yet solve all problems. They experienced the Babylonian institutions into which they were drawn as foreign, although they were gradually integrated into them partially by means of new careers and through climbing to the ranks of the officials. Within the communities the earlier segmentary basic structures - the families and the 'elders' - survived institutionally. To these belong, as cultic distinctiva, liturgies of the Word (predecessors of later synagogal services), and above all, the two 'sacraments' of Sabbath and circumcision. Between the individual groups of exiles and also between them and their previous native country, there was an active traffic of messengers and a lively *correspondence*. This further strengthened the position of the theorists - theologians, that is, - and multiplied their literary output.

2 The downfall of Judah and the 'justification' of Yahweh against accusations, necessitated a new, comprehensive overall theory. This preferably had to be constructed of elements of the old, pre-exilic theory, but also already had to include the recently occurred catastrophe as eventuality. In fact, everything had already been provided for in the Deuteronomic treaty document: In this case they could relate to the sanctions that were announced for breaking the treaty, and I quote from the

sanctioning chapter, Deuteronomy 28, the closing verse (45), which summarises the curses:

All these curses shall come on you, pursue you and overtake you until you are destroyed if you do not listen to the voice of Yahweh, your God, and do not observe His commands and His statutes which He has made your duty.

The overall theory was actually facilitated, first by an anamnesis: that is, by history, whether it be described in a prospective way as in Deuteronomy (29:21-27; 4:25-28), or in a retrospective way as in the Deuteronomistic History from Joshua to 2 Kings. Secondly, one needed *diagnostic concepts*: Those are, for instance, the rejection of foreign gods and the loathing of the nations, the observation of the commands, listening to the voice of Yahweh, respectively his prophets, et cetera. With the help of this terminology, the present catastrophe is diagnosed in light of the symptoms of the history of sins. Thus, not only crisis management, but also *therapy* for the future, becomes possible. Indeed, Deuteronomy (like the Deuteronomistic History) is concerned not only with a history of sins and a doxology for judgement, but also with showing perspectives of hope. Therefore, in Deuteronomy a future is promised, should Israel change its ways and again devote itself to Yahweh and his social ordering.

3 I wish to explain the thought-process taking place on occasion of such a therapeutic endeavour, in view of the *transformation of the Covenant Theology* in Deuteronomy. That which, in pre-exilic times, had been attractive and helpful, has now grown into a theological problem, since the catastrophe of the Exile proved - exactly on account of this idea of the treaty - that Israel had broken the covenant, that the 'curses' sanctioning the treaty (Dt 28) were fully discharged on them, and that the covenant relationship was irreparable from Israel's side. Deuteronomy and the exilic edition of the Deuteronomistic history attempted to mediate insight into the breaking of the treaty by Israel theologically and historically. This served the clarification and at that, also the strengthening of the world of faith. But the decisive question was, whether there would ever again be a future for Israel as people of Yahweh. The logic of including a bilateral treaty in the covenant of Horeb - that is, the Sinai-covenant - did not include access to a new beginning for guilty Israel. The covenantal curses had to consummate themselves, Israel had to leave its land, was dispersed among the nations, and finally, was doomed to fall. Hope could now only

come from the side of the divine partner to the treaty. Therefore, He is now not only exempted from all accusations of the past, but also solely burdened with the future of Israel. On the one hand, the texts of Deuteronomy stemming from late-exilic times, tradition-consciously further remain under obligation to the covenant-idea. This is already proved by the fact that pericopes written or edited in that period, such as Deuteronomy 4:9-31 or chapters 29-30, are structured relatively strictly according to the model of the Hittite formularies for vassal treaties. On the other hand, however, the covenant relationship is now drafted in such a way that the faithfulness of Yahweh reaches beyond the apostasy of Israel - not just in an individual act of mercy, but in principle. His faithfulness no longer needs to correspond to the conduct of Israel, since it ultimately does not take human conduct as standard, but God himself, that is, his faithfulness to himself. The Patriarchal covenant takes the place of the bilateral Horeb-covenant, obligating both God and people. The Horeb-covenant having been broken, it thus had come to an end. But prior to this covenant there is another, the Patriarchal covenant. It envelops the Horeb-covenant and transforms it, because it is a one-sided oath of God towards the Patriarchs. The promises He made to them, the growth into a people and the transference of the land Canaan, are not dependent on human conduct. No sin can nullify them. Therefore, Yahweh punishes according to the logic of the Horeb-covenant, but He also shows mercy, because in the first and last instance, He is the God of the Abrahamic covenant and of its unconditional pledge. As these words reach Israel in Exile, it is granted the mercy of changing its way: It will again seek and find and hear its God. The key-text, Deuteronomy 4:25-31, from a late exilic hour, contrasts these two covenant-sealings against each other:

When you beget children and grandchildren and feel at home in the land, and when you then act corruptly and make an idol in the form of anything, that is, when you do that which is evil in the eyes of Yahweh your God and when you anger Him, I call heaven and earth as witnesses against you today, then you shall immediately be wiped out of the land where you are now going over the Jordan to take possession of it. You will not live long in it. You will be destroyed. Yahweh will scatter you among the peoples. Only a few of you will remain among the nations, to whom Yahweh takes you. There you will have to serve gods, the sorry efforts of man's hands, wood and stone. They can neither see nor hear nor eat nor smell. There you will again seek Yahweh your God. You will find Him if you search for Him with all your heart and all your soul. When you are in distress, all these words will find you. In the latter days, you will return to Yahweh your God

and listen to His voice. For Yahweh your God is a merciful God. He will not fail you and will not expose you to ruin nor forget the covenant with your fathers which He swore to them.

4 The theological achievement of Deuteronomy, unsurpassed in the Old and also in the New Testament, lies in its *construction of a society in brotherhood/sisterhood without poverty*. In conclusion, I still wish to deal with this aspect.

A characteristic of the socio-humanitarian justice of Deuteronomic legislation, making it incomparable indeed (Dt 4:8), is its *Fraternal Ethics*. It does not start out from a formal principle of justice, but consciously sides with all whose freedom and personal dignity are jeopardised. In Deuteronomy, 'Brother' is no liturgical title - the designation is never used within cultic legislation. In most cases, the title rather wishes to motivate towards a certain social conduct that can hardly be demanded as law. Incidentally, the word translated into 'Brother' has no gender-specifying tone - it also includes women, who, in Deuteronomy, are largely emancipated as is proved by Deuteronomy 15:12.

The Deuteronomic ideal of 'fraternity' harks back to pre-nationalised times. Through the exodus from the state of slavery, Egypt, and from the exploitative system of the Canaanite city-states, Israel came into existence as tribal society. Kinship structures and a strong sense of equality kept the tribes together. The destruction of the egalitarian Israel began with the introduction of the monarchy. Centuries later, Deuteronomy attempts to reform the state, by permeating it with a fraternal social structure. It does not abolish the monarchy, but it instructs the king, through a daily reading of the Torah, not to 'lift up his heart above his brothers' (Dt 17:20). The scandal of the formation of classes is thus tackled at its roots. Moreover, Deuteronomy designs a power-separating state instead of the hierarchically structured one (Dt 16:18-18:22). A new element to this equilibrium of power, above all, is the institutionalisation of freedom for the charismatic - the consequence of often-stifled attempts at reform by prophetic social, state- and cult criticism. Jurisdiction, kingly reign and temple priesthood are now, as is the case with free charisma, associated with the Word of God and together serve just one cause: the reign of Yahweh through the written Torah and through the mouth of his prophets. As a result, the distances between the higher and the lower were done away with. All live together as brothers. The judges have to deal with every dispute of their brothers (Dt 1:16). King (Dt 17:15) and prophet (Dt 18:15) both come from

the midst of the brothers. The tribe of Levi is to live among its brothers (Dt 18:2), and among them, all Levites have the right as brothers, to serve as priests in the Temple at Jerusalem (Dt 18:7-8).

On the other end of the social range, too, the negative aspects of a stratified society were overcome. Thus the fraternal relationship is brought to mind whenever an Israelite, a man or a woman falls into distress - in the first instance, by losing property (Dt 22:1-3,4) or any other material need (Dt 15:2, 7,12; 23:20f; 24:14), but also by being summoned to court (Dt 19:16-19; cf 1:16), war (Dt 20:8), forced enslavement (Dt 24:7) and violation of human dignity (Dt 25:3, 11-12). Conspicuously, however, strangers, orphans and widows are never called 'brothers'. They especially can be regarded as the 'social cases' of the Ancient Near East. When the appeal to a fraternal attitude nevertheless is absent from these *personae miserae*, it is because they no longer belong to the category of the *poor* in the Deuteronomic construction of society.

In the midst of the laws concerning the remission of debts and credit aids can be found the fundamental statement on the Israelite society:

However, there should actually be no poor among you, since Yahweh will amply bless you in the land which Yahweh your God is giving you as an inheritance and of which you are taking possession, if you listen to the voice of Yahweh your God, pay attention to and keep this command which X am obliging you today. (Dt 15:4,5.)

To this effect, Deuteronomy has created its own law of sustenance. Just like our modern social security, this has nothing to do with sustenance of the poor, but it functions as a legal title to the groups of people implied by it. Up to then, these were the groups of poor, the 'strangers', 'orphans and widows'. They kept on existing as groups, but by virtue of law, they are provided for. A tithe of the yields of the harvest of each third year, are stored up for them (Dt 14:28-29), and when Israel's joy reached its zenith at a festival, they have their full share thereof. Thus the lower social margins, present everywhere else in the Ancient Near East, is eliminated. However, people could of course still become impoverished, for instance by a stroke of fate. If poverty-stricken strata are not to be established anew, help always has to be immediately given to the poor in such a situation. Each one is therefore called upon to redress the needs occurring in his vicinity, and in fact, to be chargeable to his own property:

**The poor will never totally vanish from your land; therefore I make it your duty:
You shall open your hand to your needy and poor brother in your land. (Dt 15:11.)**

Deuteronomy is realistic, and reckons with the possibility of different levels of poverty that occur in succession. It takes that into consideration in its laws for the poor. But since one can only with great difficulty express this required form of redressing poverty in juridical terms, the term "Brother" is used here.

Luke explicitly refers to Deuteronomy 15:4 in one of the decisive characterisations of *the first Christian community in Jerusalem* when he writes:

The congregation of the faithful was of one heart and one soul. Not one of them claimed that anything belonging to him was his own; but all things were common property to them. With great power the apostles were giving witness to the resurrection of the Lord Jesus, and abundant grace was upon them all. There were namely no poor among them. (Acts 4:32-34.)

Here it is maintained: Although the Deuteronomic draft of society has never been fully realised before the coming of the Messiah, God's people that had been gathered by Jesus has fulfilled it after the outpouring of the Spirit. Now this has become possible, and the fact that there are no poor in the New Testament church any more, is the actual criterion of the Messianic idea, of the Christianity of this new society.

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