

REREADING DEUTERONOMY IN THE PERSIAN AND
HELLENISTIC PERIODS: THE ETHICS OF
BROTHERHOOD AND THE CARE OF THE POOR

Christoph Levin

INTRODUCTION

One of the fundamental problems in the exegesis of Deuteronomy is the book's utopian character. It is "u-topian" in the sense that its location in history is not unequivocally clear. The biblical setting is fictitious, and this not by chance. It is supposed to be Moses' discourse on the last day of his life, immediately before the conquest of West Jordan. But the church fathers already connected Deuteronomy with the politico-cultic measures ascribed to King Josiah in 2 Kgs 22–23, identifying it with "the book of the law" (סֵפֶר הַתּוֹרָה) mentioned there, and W. M. L. de Wette concluded the book was never, in fact, rediscovered at that time but was actually written then.¹

I find de Wette's hypothesis about the origins of Deuteronomy still to be the most probable. Even if the record of the rediscovery of the book in 2 Kgs 22 may be legendary, there are good reasons to see the law book as a product of Judahite royal politics during the last third of the seventh century B.C.E., even though the king was not originally mentioned in the book. In this case, the original form of Deuteronomy, whose core was Deut 12–26, would have been an official document from the outset. Being part of the royal archives that survived the Babylonian conquest, it would have

1. Wilhelm Martin Leberecht de Wette, "Dissertatio critica-exegetica qua Deuteronomium a prioribus Pentateuchi libris diversum alius cuiusdam recentioris auctoris opus esse monstratur" (diss. phil., University of Jena, 1805); repr. in *Opuscula theologica* (Berlin: Reimer, 1830), 149–68, esp. 164–65 n. 5.

been seen as authoritative thereafter. Then, during the Second Temple period, the book would have served as a matrix used by the scribes to express their modified view of the community's relation to its God and human social relations. The intention was to establish the people as the vassal of the deity in place of the king in order to adapt and recycle former monarchic ideology after the monarchy had been terminated by the Neo-Babylonians in 586 B.C.E.

It seems that the Deuteronomic law existed as an independent scroll for a long time. This holds also for the so-called Covenant Code in Exod 20:22–23:19, which served as the *Vorlage* of Deuteronomy in the seventh century and later was incorporated into the Sinai pericope in the book of Exodus. The Covenant Code served as a literary matrix to meet the needs of the Jewish Diaspora, whereas Deuteronomy, with its focus on the central sanctuary, was read by the Jewish community in Judah. The third law book of this kind, the so-called Holiness Code in Lev 17–26, is the latest of the three and was used in Judah, like the Deuteronomic law. Beginning as an exposition of the Decalogue (Lev 19), it presupposes both the Covenant Code and Deuteronomy. Regardless of the differences among these law books, all eventually were incorporated into the Torah because all were seen as authoritative, each reflecting in its own way the recorded will of God. Having gained authoritative status, their texts could not be changed except to add new prescriptions that addressed the changed conditions in the life of the community. Outdated or superseded regulations were not omitted but maintained as part of the inherited, authoritative scroll, resulting in the present forms of the texts.

Today, the centralization of the cult is merely one subject among others in Deuteronomy. What strikes the eye is, above all, its social legislation. In its present form at least, Deuteronomy reads as being the order for a socially well-balanced, religious community. This religious community has much more in common with Second Temple Judaism than with the people of Judah at the time of the monarchy. For that reason above all, G. Hölscher assigned Deuteronomy to the postexilic period.² He ascribed “unwordly idealism” to the lawgiver, calling the law about release from debt in Deut 15:1–3, 7–11 “impracticable,” for example. “He (i.e., the writer) does not consider the actual application of this law in economic

2. Gustav Hölscher, “Komposition und Ursprung des Deuteronomiums,” *ZAW* 40 (1923): 161–255.

life; for him it is merely a humanitarian institution.” Similarly, the law about the freeing of slaves in Deut 15:12–18, compared with the earlier law in Exod 21:2–6, proceeds from presuppositions that show “the theoretical rigidity of this legislation, which completely loses sight of any practical application.”³

The problem of determining the social situation to which the reforming intention was directed and to which degree the demands could be translated into down-to-earth reality is certainly not solved but is perhaps alleviated if we take the literary growth of the book of Deuteronomy into account. Fortunately, we know what the *Vorlage* of the original lawbook was, because it is easy to see that Deuteronomy’s earliest nucleus goes back to the Covenant Code.⁴ Its legislative material was reworked from the standpoint of the centralization of the official Judahite cult. It was only in a clearly later step that this law was then seen, and accordingly revised, as a code of behavior for the relationship to the god YHWH himself.⁵ This took place at the end of the sixth century B.C.E. when, with the incorporation of Judah into the Persian provincial system, hope for a rebirth of the Davidic monarchy died, and the cultic community of Jerusalem adopted the role of YHWH’s direct vassal.

This by no means completes the history of the revisions. The following paper has as its subject the sections of the law book that have as their most immediate subject the ethic of brotherhood and/or the care of the poor. How can the additions that focus on the ethic of brotherhood be fitted into the literary history? Do they belong to the Deuteronomic editor,⁶ or were they added by a later hand? In order to decide, the relevant sections must be viewed in the framework of the whole literary development of the lawbook. There are instances where the Deuteronomic redaction and the

3. Hölscher, “Komposition und Ursprung,” 195–97.

4. See, among many others, Bernard M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (New York: Oxford University Press, 1997).

5. See esp. Timo Veijola, “Bundestheologische Redaktion im Deuteronomium,” in *Moses Erben: Studien zum Dekalog, zum Deuteronomismus und zum Schriftgelehrtentum* (BWANT 149; Stuttgart: Kohlhammer, 2000), 153–75; also idem, *Das 5. Buch Mose: Deuteronomium Kapitel 1,1-16,17* (ATD 8,1; Göttingen: Vandenhoeck & Ruprecht, 2004).

6. Thus, e.g., the thorough study of Lothar Peritt, “‘Ein einzig Volk von Brüdern’: Zur deuteronomischen Herkunft der biblischen Bezeichnung ‘Bruder,’” in *Deuteronomium-Studien* (FAT 8; Tübingen: Mohr Siebeck, 1994), 50–73.

brotherhood ethic can be distinguished, so that their relationship in time becomes clear.

It will emerge that Deuteronomy's brotherhood ethic did not belong to the original features of the law, as has often been thought, but that it, too, is a later insertion.⁷ It had its immediate setting in the community of the Second Temple in the Persian period. The specific theology of the poor, which also has traces in Deuteronomy even if they are less distinct, is even later. The distribution of the instances is striking. "The two expressions אֲבִיּוֹן and עָנִי appear in Deuteronomy only in the laws which have to do with the problem-complex 'procedure in the case of debt.' That is an astonishing phenomenon."⁸ Comparable texts show that this revision should be assigned to the Hellenistic period.⁹

ON RELEASE, ON LOAN, AND ON SLAVES (DEUT 15:1–6, 7–11, 12–18)

The first examples in the sequence of the book are the social directives in Deut 15.¹⁰ Their gradual literary development can best be followed if we look at the section as a whole.¹¹

(1) At the end of every seven years you shall grant a release.

7. Christoph Levin, "Das Deuteronomium und der Jahwist," in *Fortschreibungen: Gesammelte Studien zum Alten Testament* (BZAW 316; Berlin: de Gruyter, 2003), 96–110.

8. Norbert Lohfink, "Das deuteronomische Gesetz in der Endgestalt – Entwurf einer Gesellschaft ohne marginale Gruppen," in *Studien zum Deuteronomium und zur deuteronomistischen Literatur* (3 vols.; SBAB 8, 12, 20; Stuttgart: Katholisches Bibelwerk, 1990–1995), 3:205–18, esp. 212.

9. Christoph Levin, "The Poor in the Old Testament: Some Observations," in *Fortschreibungen*, 322–38.

10. Heinz-Josef Fabry presents a thorough analysis of the section ("Deuteronomium 15: Gedanken zur Geschwister-Ethik im Alten Testament," *ZAR* 3 [1997]: 92–111). Veijola offers the most recent interpretation, together with important insights into the literary history (*Das 5. Buch Mose*, 310–23).

11. In the following translations the old prescriptions, i.e., the **Vorlage** of the Deuteronomic editor, are printed in bold type, and the text of the *Deuteronomic editor* in italics. The history edition as well as the covenant edition and finally the edition that stresses Israel's election over against the other nations are printed in normal types and marked by indentation. The brotherhood edition is underlined; the edition regarding the poor is given in plain font.

(2) *And this is the manner of the release: every creditor shall release what he has lent to his neighbor; he shall not exact it of his neighbor*¹²

and¹³ of his brother (וְיָרֵם),

because YHWH's release has been proclaimed.

(3) *Of a foreigner (הַגֵּר) you may exact it; but whatever of yours is with your brother (אֶתְיָרֵם) your hand shall release,*

(4) because there will be no poor (אֶתְיָרֵם) among you.

For YHWH <your God>¹⁴ will bless you in the land which YHWH your God gives you for an inheritance to possess,

(5) if only you will obey the voice of YHWH your God, being careful to do all this commandment which I command you today.

(6) For YHWH your God has blessed you, as he promised you, and you shall lend to many nations, but you shall not borrow; and you shall rule over many nations, but they shall not rule over you.

(7) *If there is among you (sg.) a poor man (אֶתְיָרֵם),*

one of your brethren (אֶתְיָרֵם אֶתְיָרֵם),

within any of your gates (= settlements)

within your¹⁵ land that YHWH your God gives you,

you shall not harden your heart

or shut your hand against your poor brother (אֶתְיָרֵם אֶתְיָרֵם),

(8) *but you shall open your hand to him.*

<>¹⁶ Lend him sufficient for his need, whatever it may be.

(9) Take heed lest there be a base thought in your heart, and you say, The seventh year, the year of release is near, and your eye be hostile to your poor brother (אֶתְיָרֵם אֶתְיָרֵם), and you give him nothing, and he cry to YHWH against you, and it be sin in you.

(10) You shall give to him freely, and your heart shall not be grudging when you give to him; because for this YHWH your God will bless you in all your work and in all that you undertake.

(11) For the poor (אֶתְיָרֵם) will never cease out of the land.

12. In the Greek text וְיָרֵם אֶתְיָרֵם "his neighbor and" is missing: καὶ τὸν ἀδελφόν σου οὐκ ἀπαιτήσεις.

13. The Samaritan Pentateuch reads without copula.

14. Insert אֶתְיָרֵם with the Samaritan Pentateuch, the Septuagint, the Peshitta, and the Vulgate.

15. The Samaritan Pentateuch, the Septuagint, the Peshitta, and the Vulgate read without the suffix.

16. The Samaritan Pentateuch and the Septuagint read without copula.

Therefore I command you, You shall open wide your hand to your brother (אֶת־אָחִיךָ),
to your needy and to your poor (אֶת־אֲבִיבֶיךָ וְאֶת־עֲנִיֶיךָ) in your land.

(12) **If**

your brother (אֶת־אָחִיךָ),

a Hebrew man, or a Hebrew woman, is sold to you, he shall serve you six years, and in the seventh year you shall let him go free from you.

(13) And when you let him go free from you, you shall not let him go empty-handed; (14) you shall furnish him liberally out of your flock, out of your threshing floor, and out of your wine press; <just as>¹⁷ YHWH your God has blessed you, you shall give to him.

(15) You shall remember that you were a slave in the land of Egypt, and YHWH your God redeemed you; therefore I command you this today.

(16) **But if he says to you, I will not go out from you, because he loves you and your household,**

because he fares well with you,

(17) **then you shall take an awl, and thrust it through his ear into the door, and he shall be your bondman for ever. And to your bondwoman you shall do likewise.**

(18) It shall not seem hard to you, when you let him go free from you; for at half the cost of a hired servant he has served you six years. So YHWH your God will bless you in all that you do.

(1) The earliest basis for the series are the regulations about release in v. 1, which pick up the regulation from the Covenant Code in Exod 23:10–11 and the law about slaves in vv. 12–17, which constitutes the Deuteronomic parallel to the slave law in Exod 21:1–11.¹⁸

17. Read אֶת־אָחִיךָ with the Samaritan Pentateuch and probably with the Septuagint (καθὰ or καθότι).

18. Norbert Lohfink has thoroughly compared both passages (“Fortschreibung? Zur Technik der Rechtsrevisionen im deuteronomischen Bereich, erörtert an Deuteronomium 12, Ex 21,2–11 und Dtn 15,12–18,” in *Das Deuteronomium und seine Querbeziehungen* [ed. Timo Veijola; Schriften der Finnischen Exegetischen Gesellschaft 62; Helsinki: Finnische Exegetische Gesellschaft and Göttingen: Vandenhoeck & Ruprecht, 1996], 127–71, esp. 149–65). Eckart Otto presents a useful synopsis of the parallel texts (*Das Deuteronomium: Politische Theologie und Rechtsreform in Juda und Assyrien* [BZAW 284; Berlin: de Gruyter, 1999], 304–5).

(2) The *Deuteronomic reworking* of these directives begins with v. 2. The introduction shows that it is meant to be understood as the way the regulation in v. 1 is to be applied: “And this is the manner of the release...” “The $\eta\mu\tau\psi$ is ... not put forward as something new, but is newly interpreted, as the ‘legal application’ in v. 2 immediately shows. Here v. 2aα ... should be viewed as an actual ‘quotation formula,’ or—better—as a transition to the interpretation.”¹⁹ What is applied to the practice of fallowing in the Covenant Code is transferred in Deuteronomy to the relationship between a lender and a debtor:²⁰ “...every creditor shall release what he has lent to his neighbor; he shall not exact it of his neighbor, because YHWH’s release has been proclaimed.” The same ethical turn of mind can be found at the core of vv. 7–8: “If there is among you a poor man in any of your gates, you shall not harden your heart, but you shall open your hand to him.” A regulation of this kind is no longer a legal enactment; it is pure paraenesis, aimed at the ideal common life. Although the intention is not that the difference in wealth should disappear completely, it is to be alleviated through compassion. The possibility that the slave may lead a contented existence with his master, “because he fares well with you,” which in v. 16bβ is expanded over and above the reason taken over from the Covenant Code, “because he loves you and your household” (v. 16bα), reflects the same ideal.

(3) The next redactional level relates the directives to the situation existing immediately before the conquest of the land west of the Jordan. This revision has gone hand in hand with the subsequent *insertion of Deuteronomy into the historical account*. The expansion can easily be detected because of the double place mention in v. 7, “within any of your gates (= settlements)/within your land which YHWH your God gives you.” The same kind of localization can also be found in v. 4b: “For YHWH your God will bless you in the land which YHWH your God gives you for an inheritance to possess.” The required forgiveness of debt becomes possible because of the blessing YHWH has promised the people once they have entered the country.

(4) In v. 5 this blessing is subsequently linked with obedience; for this Deut 28:1 is cited, word for word. The *Shemittah* thereby is declared to be a component in the obedience to which Israel is said to have committed

19. Perlitt, “Ein einzig Volk von Brüdern,” 55.

20. See Fabry, “Deuteronomium 15,” 104.

itself when YHWH concluded his covenant with it (cf. Deut 26:17–18). In this way the *covenant-theology revision* of Deuteronomy comes into play. The freeing of slaves is based on similar reasoning in v. 15. The wording is largely identical with that in the reason given for the Sabbath commandment in the Decalogue in Deut 5:15.²¹ A comparison between v. 15b and v. 5b β shows that vv. 5 and 15 are probably the work of the same hand: “Therefore I command you (אֲנֹכִי מְצַוְנֶיךָ הַיּוֹם)” // “which I command you this day (אֲנֹכִי מְצַוְנֶיךָ הַיּוֹם).” The conditional promises in v. 10 that are supposed to provide the reason for helping the poor, and in v. 18, which are supposed to justify the freeing of slaves, are governed by the same intention: they see blessing as being dependent on the fulfillment of the commandments.²²

(5) The *brotherhood ethic* was only incorporated after the covenant-theology revision.²³ The restriction in v. 3, which exempts the foreigner from the release, is alien to the original enactment: “Of a foreigner (הַנִּזְכָּרִי) you may exact it; but whatever of yours is with your brother (אֶתְּיָדְךָ) your hand shall release.” “The comment has been added at a later point, only following the reason given in v. 2b β , which is based on the specially privileged relationship with YHWH, and in its second part (v. 3b) repeats the substance and the terminology of v. 2ab α , thus showing itself to be a later addition.”²⁴ The catchword וְאֶת־אָחִיו “and his brother” in v. 2 is connected with this obvious addition. “The words are a gloss on his neighbour.”²⁵ It is quite clearly a literary augmentation. At the same time, “this doublet is quite inadequately, or even inappropriately, termed a ‘gloss’ or a ‘corrective addition.’”²⁶ On the contrary, it is part of a systematic revision.

In the two following directives as well, the same catchword has been added at the beginning in a very similar way. That אֶתְּיָדְךָ “one of

21. See also Deut 16:12; 24:18, 22.

22. Where vv. 5 and 18 are concerned, my previous analysis must be corrected; see Levin, “Das Deuteronomium und der Jahwist,” 106.

23. For the literary history of the section, see also Fabry, “Deuteronomium 15,” 103–4.

24. Veijola, *Das 5. Buch Mose*, 314; see also Carl Steuernagel, *Das Deuteronomium* (2d ed.; HK series 1, 3/1; Göttingen: Vandenhoeck & Ruprecht, 1923), 109.

25. Andrew D. H. Mayes, *Deuteronomy* (NCBS; London: Marshall, Morgan & Scott, 1979), 248; also Hölscher, “Komposition und Ursprung,” 194 n. 1 (“simply a doublet besides אֶת־רֵעֵהוּ”); Perlitt, “Ein einzig Volk von Brüdern,” 55; Veijola, *Das 5. Buch Mose*, 311.

26. Perlitt, “Ein einzig Volk von Brüdern,” 55.

your brethren” in v. 7 is an addition is made plain by the “unhappy repetition **שְׁעָרֶיךָ בְּאַחַד אַחֶיךָ מֵאַחַד אַחֶיךָ**.”²⁷ “The first **אֶחָד** ‘one’ in the Masoretic text is a dittography of the second, as the Septuagint and Deut 24:14 show.”²⁸ The purpose is to integrate the catchword **אֶחָדְךָ**. In the slave law, “the preceding apposition **אֶחָדְךָ**”²⁹ in v. 12 is clearly a subsequently added interpretation.

The commandment concerning a loan for the poor in its original form speaks for itself: “You shall not harden your heart, but you shall open your hand to him” (vv. 7b^{a1}, 8a). Now it is given sharper form through the prohibition of the opposite behavior: “You must not shut your hand against your poor brother” (v. 7b^{a2b}). The text is no longer focused on the poor man (**אֶבְיֹוֹן**) as such. He is the recipient of care because he is a member of the religious-ethnic community. The ethic is no longer based solely on the social duty to care for others, as it was in the original Deuteronomy, nor does it rest solely on the special position of God’s people, as was the case in the covenant-theology revision; it now ministers to the cohesion of the religious community and, at the same time, sets it apart from its environment. What was formerly a general requirement: “You shall open your hand to him” is now precisely defined: “Lend him sufficient for his need, whatever it may be.” With the same intention, the covenant-theology reason (v. 10) has been subsequently related to the brotherhood ethic: “Therefore I command you, ‘You shall open wide your hand to your brother’” (v. 11b^{aβ1}). Here the requirement in v. 8a is repeated word for word but now no longer related to “him” (**לוֹ**),—i.e., to the poor man (**אֶבְיֹוֹן**)—but to the brother: **לְאֶחָדְךָ**.

In the law about slaves, too, we do not find the application to the brother only in the catchword **אֶחָדְךָ** in v. 12. The admonition to be generous in material matters in vv. 13–14 breathes the same spirit as the additions in vv. 7b^{a2b}, 8b, 11b^{aβ1}, which are based on the brotherhood ethic: “And when you let him go free from you, you shall not let him go empty-handed; you shall furnish him liberally out of your flock, out of your threshing floor, and out of your wine press; [just as] YHWH your God has blessed you, you shall give to him.” The word-for-word repetition of **וְכִי־תִשְׁלַחְנֵהוּ חֲפָזִי מֵעִמָּךְ**, which links to v. 12b^β, identifies the two verses as an addition.

27. Peritt, “Ein einzig Volk von Brüdern,” 56 n. 23.

28. Veijola, *Das 5. Buch Mose*, 310 n. 1092, with Peritt, “Ein einzig Volk von Brüdern,” 59 n. 33.

29. Peritt, “Ein einzig Volk von Brüdern,” 56.

(6) The literary development of Deut 15 was not yet finished with the brotherhood ethic. In vv. 4a and 6 we hear a voice which, by way of a word-for-word pointer to the blessing promised in v. 4b, maintains that among God's people no loans will be necessary, "because there will be no poor among you." The assertion frankly contradicts v. 7 and makes the instruction in vv. 7–11 pointless. Consequently, vv. 4–6 are widely held to be a later interpolation.³⁰ This becomes evident also from the literary hiatus between vv. 3 and 4.

However, as was shown above, vv. 4b and 5 must already have belonged to the earlier text. The interpolation in vv. 4a and 6 solves the problem presented by the earlier directive that interest-free loans have no point, economically speaking, referring to the promise of blessing. The difference between the "brother" (אָח) and the "foreigner" (נִכְרִי) that was established in v. 3 is generalized: "For YHWH your God has blessed you, as he promised you, and you shall lend to many nations, but you shall not borrow."³¹ Its foundation is *Israel's election* (cf. Deut 7:6, 14–16; 14:2).

(7) The assertion that "there will be no poor among you" did not remain undisputed. In v. 11a the exact opposite is maintained: "The poor will never cease out of the land."³² At first sight, it would seem that the choice lies between seeing v. 11a as corrected by v. 4a, or vice versa. In

30. Alfred Bertholet, *Deuteronomium* (KHC 5; Freiburg im Breisgau: Mohr Siebeck, 1899), 48; Johannes Hempel, *Die Schichten des Deuteronomiums: Ein Beitrag zur israelitischen Literatur- und Rechtsgeschichte* (Leipzig: Voigtländer, 1914), 226; Hölscher, "Komposition und Ursprung," 194 n. 1; Karl Marti, *Das fünfte Buch Mose oder Deuteronomium* (Die Heilige Schrift des Alten Testaments 1; 4th ed.; Tübingen: Mohr Siebeck, 1922), 287; Steuernagel, *Deuteronomium*, 108–9; Mayes, *Deuteronomy*, 247–48; Rosario P. Merendino, *Das deuteronomische Gesetz: Eine literarkritische, gattungs- und überlieferungsgeschichtliche Untersuchung zu Dt 12–26* (Bonner biblische Beiträge 31; Bonn: Hanstein, 1969), 110–11; Gottfried Seitz, *Redaktionsgeschichtliche Studien zum Deuteronomium* (BWANT 93; Stuttgart: Kohlhammer, 1971), 169; Fabry, "Deuteronomium 15," 104; Eckart Otto, *Gottes Recht als Menschenrecht: Rechts- und literaturhistorische Studien zum Deuteronomium* (Beihefte zur Zeitschrift für altorientalische und biblische Rechtsgeschichte 2; Wiesbaden: Harrassowitz, 2002), 219 n. 523.; Veijola, *Das 5. Buch Mose*, 315.

31. Verse 6bβy may again be a later addition: "and you shall rule over many nations, but they shall not rule over you."

32. For Lohfink, the contradiction between Deut 15:4 and 15:11 is only apparent: "There may be poverty in 'the land,' but not in 'Israel,' if it is truly 'Israel'" ("Das Deuteronomische Gesetz in der Endgestalt," 216). This interpretation is in danger of replacing the divine promise with the demand for a certain kind of behavior.

the first case, the reality of poor and rich would be contrasted with the goal of a society without marginal groups;³³ in the second case, the social utopia would be subjected subsequently to the test of reality.³⁴ But in actual fact, it is a question neither of the one nor the other. It is rather that the author of v. 11a is resisting the notion that the commandment threatens the existence of the poor. For him, poverty is not a condition that ought to be overcome; it is the mark of a religious group characterized by its special closeness to God. To say “the poor will never cease out of the land” is as much as to say “the poor (עֲנִיִּים) will inherit the land” (Ps 37:11; cf. Matt 5:5).

Consequently, in v. 11b^{β2} this writer defines the brother who is to be the recipient of solicitous care as one who is “humble and poor” (עֲנִי וְאֶבְיָוֹן). These paired terms introduce into Deuteronomy a particular connotation that otherwise can be found above all in the Psalms: the *devout poor* (see Ps 35:10; 37:14; 40:18 par. 70:6; 74:21; 86:1; 109:16, 22). In this case, poverty is not in the first instance a social category; it is a religious one. It is evidence of nearness to God. The poor are the people who seek YHWH and who will be justified in the eschatological judgment. In contrast to the wicked, they will survive doomsday (see Zeph 2:2–3; 3:8, 12).

This is the presupposition for an understanding of the warning that is added in v. 9. It is a precaution lest the institution of the Year of Release, in which the debtor was freed of his debts (vv. 1–2), should diminish the readiness to help the humble and poor. It is clearly secondary, over against the earlier provision. Again, the poor man’s special relationship to YHWH is presupposed: that is the reason why not to have helped him will count as sin (אֵשֶׁת) in the divine judgment. The same threat is to be found later in Deut 24:15.³⁵ This confirms that in this case, too, we are not looking at a gloss but at a more thoroughgoing revision.

33. Fabry: “The goal of the brotherhood/sisterhood ethic of Deut 15 is the utopian precept: ‘Really there should be no poor people among you’ (v. 4), over against the objective fact of experience: ‘The poor will never entirely disappear from your land’ (v. 11)” (“Deuteronomium 15,” 107).

34. Otto states about 15:11a: “Verse 15:11 again corrects v. 4 and brings it into line with postexilic circumstances. The utopian program of the exilic period has not been fulfilled” (*Gottes Recht als Menschenrecht*, 220 n. 523).

35. See below in the subsection, “On Pledges, and on the Wages of the Day Laborer (Deut 24:10–13, 14–15).”

ON FALSE WITNESS (DEUT 19:16–21)

The procedure to be adopted against a malicious witness is determined as follows:

⁽¹⁶⁾**If a malicious witness rises against someone**

to accuse him of apostasy

⁽¹⁷⁾**then both parties to the dispute shall appear before YHWH**

before the priests and the judges who are in office in those days.

⁽¹⁸⁾And the judges shall inquire diligently, and if the witness³⁶ proves to be a false witness,

having testified falsely against his brother (וְיָחֹדֵשׁ), ⁽¹⁹⁾then you (pl.) shall do to him as he had meant to do to his brother (וְיָחֹדֵשׁ).

then you (sg.) shall purge the evil from the midst of you.

⁽²⁰⁾And the rest shall hear, and fear, and shall never again commit any such evil in the midst of you.

⁽²¹⁾< >³⁷ Your eye shall not pity.

[It shall be] **life for life, eye for eye, tooth for tooth, hand for hand, foot for foot.**

(1) This directive again goes back basically speaking to the Covenant Code. It rests on the appeal in Exod 23:1 not to come forward as a malicious witness (עֵד־חָמָס).³⁸ In Deuteronomy this is modified so that if the truthfulness of a witness is in doubt, a divine judgment should be sought (vv. 16a, 17a). The punishment to be imposed on a malicious witness is accordingly determined by the *ius talionis* (v. 21b), which is taken over from Exod 21:23–24.

(2) In the context of *Deuteronomy's* *historization*, v. 17b has been added later. This can be detected from the temporal clause בְּיָמֵי הַהֵם “in those days.” This is also made the occasion for laying down the constitution of the cultic court. “La répétition *lifnê* ... *lifnê* montre que le second membre de phrase est une explication postérieure.”³⁹ “Verse 17b interprets

36. The Septuagint reads עָדָה as a verbal form ἐμαρτύρησεν (הָעֵד), similar the Peshitta. As a consequence, the second שָׁקַר was seen as the object of הָעֵד “he testified,” not of עָנָה “he answered.” This reading certainly misses the original meaning.

37. The Samaritan Pentateuch, 4QDeut^f, the Septuagint, the Peshitta, and the Vulgate read without copula.

38. The term עֵד־חָמָס can be found otherwise only in Ps 35:11.

39. Jean L'Hour, “Une législation criminelle dans le Deutéronome,” *Bib* 44 (1963):

the *לפני יהוה* in v. 17a:⁴⁰ The divine judgment is to be put into force by the appointed priests and judges (cf. Deut 17:9; 26:3). That this is an addition can also be seen from the expression used: *עמד לפני פ'* is employed when someone appears before the king, but not when he comes before the priests or judges.⁴¹ The Samaritan Pentateuch, the Septuagint, and the Peshitta read the second *לפני* as *ולפני*. The copula is not original, however, but shows the inconsistency has been noted and an attempt has been made to smooth it out. Modern exegesis has found it necessary to intervene in a number of different ways.⁴² The simplest and most probable solution is that v. 17b has been added in a single act.⁴³

(3) A second, extensive expansion of the instruction took place in the framework of the revision made in the interests of *covenant theology*. The additions can be detected from their agreement with the relevant passages in 13:2–19 and 17:2–5: compare v. 16b with 13:6,⁴⁴ v. 18ab^a with 13:15 and 17:4,⁴⁵ the *בְּעֵרְתָּ*-formula in v. 19b with 13:6; 17:7, 12; 19:13, 19; 21:9, 21; 22:21, 22; 24:7,⁴⁶ and v. 21a with 7:16; 13:9; 19:13; 25:13. The matter is now considered to affect the relationship to God. Consequently, the false accusation counts as *סָרָה* “apostasy.”⁴⁷ For hearing the evidence, the judges are

1–28, esp. 18 n.1. See earlier, Bertholet, *Deuteronomium*, 62; Marti, *Das fünfte Buch Mose*, 295.

40. Merendino, *Das deuteronomische Gesetz*, 215.

41. Hölscher, “Komposition und Ursprung,” 206 n. 3.

42. See Steuernagel, *Deuteronomium*, 125; Bertholet, *Deuteronomium*, 62; Marti, *Das fünfte Buch Mose*, 295; Hölscher, “Komposition und Ursprung,” 206 n. 3; Seitz, *Redaktionsgeschichtliche Studien*, 114.

43. Thus Hempel, *Die Schichten des Deuteronomiums*, 221; L'Hour, “Une Législation criminelle,” 18; Merendino, *Das deuteronomische Gesetz*, 215; Mayes, *Deuteronomy*, 290.

44. Steuernagel, *Deuteronomium*, 125, perceived that v. 16b was an addition.

45. Jan Christian Gertz presents a synopsis of 13:15 and 17:4 (*Die Gerichtsorganisation Israels im deuteronomischen Gesetz* [FRLANT 165; Göttingen: Vandenhoeck & Ruprecht, 1994], 111). When he assigns v. 18 to the original text, however, he misses the significance of the concurrence.

46. See the relevant study of L'Hour, “Une Législation criminelle.”

47. See Marti, *Das fünfte Buch Mose*, 295; Steuernagel, *Deuteronomium*, 125. According to Samuel R. Driver, *סָרָה* “appears from the context to be used more generally” (*A Critical and Exegetical Commentary on Deuteronomy* [3d ed.; ICC; Edinburgh: T&T Clark, 1902], 235); Bertholet agrees (*Deuteronomium*, 62). However, it is Deut 13 that provides the original context. According to Mayes, “except for the doubtful case of Isa. 59:13, there is no example of *sārāh* having the general sense of ‘wrongdoing’

“to initiate a careful investigation” (דרש), a different procedure from the earlier one להפני יהוה, according to which “the divine decision was declared not by way of a precise investigation but by means of an oracle.”⁴⁸ A striking fact is that the key term is now no longer עֵד־חֶמֶס, but עֵד־שֶׁקֶר. This points to the Decalogue (Exod 20:16)⁴⁹ as the foundational law for covenant theology. In a further step, the regulation in v. 20 has been developed into a warning. Its aim is to ensure as far as possible that the harsh judgment need not be applied in the future to members of God’s people. We find similar additions—probably the work of the same hand—in 13:12; 17:13; and 21:21b.⁵⁰

(4) Finally, the edict is particularized as false witness against the *brethren*. The addition begins in v. 18b β as asyndetic explication: שֶׁקֶר עָנָה בְּאַחֲיוֹ. “Verse 18b β repeats what is said in v.18b α , and is also secondary.”⁵¹ The words are not “merely repetitions of the idea”⁵² but pick up the existing text in order to introduce the regulation in v. 19a, which also shows itself to be an addition through the shift into the plural form of address. The choice of the verb עָנָה “to answer” shows that on this level, too, the Decalogue is in the writer’s mind. The premise of the command for sincerity towards the court is now the special relationship to YHWH defined in the First Commandment, which thereby is given particular importance. In the light of Exod 20:16, it is understood as being a norm that determines the behavior of members of God’s people towards one another. God’s people count as a community of brethren.

ON LOSS OF LIVESTOCK (DEUT 22:1–4)

An especially significant example of the brotherhood ethic is the commandment to render help in case of a strayed beast or one that has fallen

whereas it is used of apostasy in Dt. 13:6; Isa. 1:5; 31:6; Jer. 28:16; 29:32” (*Deuteronomy*, 290).

48. Hempel, *Die Schichten des Deuteronomiums*, 221; also Gertz: “The cultic method of proof required in v. 17a ... and the thorough judicial investigation which is to be carried out according to v. 18a are mutually exclusive procedural methods” (*Die Gerichtsorganisation Israels*, 108).

49. L’Hour, “Une Législation criminelle,” 19; Merendino, *Das deuteronomische Gesetz*, 215.

50. See L’Hour, “Une Législation criminelle,” 10 n. 3.

51. Merendino, *Das deuteronomische Gesetz*, 215.

52. Seitz, *Redaktionsgeschichtliche Studien*, 114 n. 73.

down. In this case, the regulation does not rest on a traditional legal edict but is in very respect an ethical maxim.

⁽¹⁾You shall not see your brother's (𐤒𐤍𐤏) ox or his sheep go astray, and withhold your help from them; you shall take them back to your brother (𐤒𐤍𐤏𐤓).

⁽²⁾And if your brother (𐤒𐤍𐤏) is not near you, or if you do not know him, you shall bring it home to your house, and it shall be with you until your brother (𐤒𐤍𐤏) seeks it; then you shall restore it to him.

⁽³⁾<So>⁵³ you shall do with his ass; so you shall do with his garment; so you shall do with any lost thing of your brother's (𐤒𐤍𐤏), which he loses and you find; you may not withhold your help.

⁽⁴⁾You shall not see your brother's (𐤒𐤍𐤏) ass or his ox fallen down by the way, and withhold your help from them; you shall help him to lift them up again.

The reference to “your brother” is essential for the appeal. It cannot be removed by literary intervention. Consequently, the instruction “in this brotherhood stratum . . . must have been constituted by its author himself.”⁵⁴ The context shows that the commandment as a whole is an addition, made at a later literary level: it interrupts the sequence of tabu regulations in 21:22–23 and 22:5–12, which has itself been interpolated into the family law in 21:10–21; 22:13–23:1. In this way this commandment, too, is evidence that the *brotherhood ethic* was not originally a feature of Deuteronomy.

Its late origin did not hinder the commandment from being expanded twice more. Verses 2 and 3 are later interpolations.⁵⁵ They envisage a case in which the beast's owner cannot be contacted immediately (v. 2), and they include the whole of the brother's property in the obligation, over and above the beast itself (v. 3). The earlier version of the commandment, which consisted only of vv. 1 and 4, is closely paralleled in Exod 23:4–5, but there, too, it is not original,⁵⁶ because the commandment interrupts

53. Read 𐤒𐤓 with the Samaritan Pentateuch, the Septuagint, the Peshitta, and the Vulgate.

54. Perlitt, “Ein einzig Volk von Brüdern,” 61.

55. August Klostermann, *Der Pentateuch: Beiträge zu seinem Verständnis und seiner Entstehungsgeschichte* (2d ed.; Leipzig: Deichert, 1907), 325–26.

56. Steuernagel, for example, labels it “a later addition to the Covenant Code” (*Deuteronomium*, 131).

the order for the legal proceeding given in Exod 23:1–3, 6–8. Compared with Deut 22, the ethical requirement has been heightened, since it applies to the *enemy's* ox and ass. Therefore, it is possible in this particular case that the line of the tradition-history has run from Deuteronomy to the Covenant Code.

ON INTEREST (DEUT 23:20–21)

Another example of brotherhood ethic is the prohibition of charging interest. Again, it is easy to see the sequence of the revisions:

⁽²⁰⁾**You shall**

to your brother (אֶת־אָחִיךָ)

not lend upon interest, interest on money, interest on victuals,
interest on anything that is lent for interest.

⁽²¹⁾To a foreigner (לְזָרָא) you may lend upon interest, but to
your brother (אֶת־אָחִיךָ) you shall not lend upon interest;

so that YHWH your God may bless you in all that you undertake
in the land which you are entering to take possession of it.

(1) The basis of the decree is confined to v. 20a: interest on money (silver) as well as on foodstuffs is prohibited. The age of this decree, the social context in which it must be viewed, and the question as to whether it is practicable at all in economic life are matters with which we need not concern ourselves here. What can be clearly seen is that the edict has been expanded and given a general reference through the apposition in v. 20b. It would seem plausible to see in this expansion the ethic of the *original Deuteronomy* and to link it with the promise of blessing in v. 21b α : “interest on anything that is lent for interest, so that YHWH your God may bless you in all that you undertake” (see esp. 14:29; 24:19). The *historicization* “in the land which you are entering to take possession of it” in v. 21b β (that otherwise can be found in this form only outside Deut 12–26)⁵⁷ can easily be detached and, like all these comments, has been added later.

(2) In v. 21a a sharp line is drawn between brother and foreigner. This sentence, and with it the *brotherhood ethic*, is obviously an alien element in the framework of the regulation. “23:21 is a subsequent interpretation

57. See Deut 7:1; 11:10, 29; 28:21, 63; 30:16.

of 23:20.”⁵⁸ On the one hand, a loophole is opened for the requirements of economic life. It is permissible to lend to a foreigner in return for the commercially customary interest; but, on the other hand, the regulation is given a specific reason. Within one’s own ethnic-religious group special rules apply, rules differing from those generally in force. The addition touches on internal relationships in the community of the Second Temple, which wished to differentiate itself from its environment in its social ethic. In order that this reinterpretation should apply to the regulation as a whole, the catchword לְאָחִיךָ “to your brother” was added to v. 20 as well. It is certainly wrong to see here “the own voice of the author of Deuteronomy.”⁵⁹

ON KIDNAPPING (DEUT 24:7)

The three directives for social behavior in Deut 24:7, 10–13, 14–15 form a direct sequence, interrupted only by the regulation to be observed in the case of leprosy, which was added subsequently in vv. 8–9.⁶⁰ The self-contained sequence makes it possible to determine the order of the revisions with comparative certainty.

(7) If a man is found stealing someone

of his brethren (מֵאֶחָיו)

of the Israelites

and if he violently oppresses him

and sells him, then that thief shall die.

So you shall purge the evil from the midst of you. [...]

The foundation of the directive is the sentence in Exod 21:16. It appears in a new version in Deut 24:7: “If a man is found stealing someone and sells him, then that thief shall die.”⁶¹ The *covenant theology revision* comes to the fore once again, as it does in 19:19, with the בְּעֵרְתָּ-formula.⁶² The restricting reference to God’s people מִבְּנֵי יִשְׂרָאֵל, the Israelites, may be

58. Perlitt, “Ein einzig Volk von Brüdern,” 57; compare Steuernagel, *Deuteronomium*, 137.

59. Against Seitz, *Redaktionsgeschichtliche Studien*, 175.

60. See further Steuernagel, *Deuteronomium*, 33, 140; Hölscher, “Komposition und Ursprung,” 214; Seitz, *Redaktionsgeschichtliche Studien*, 166.

61. See Otto, *Deuteronomium*, 298–99.

62. See above, and again L’Hour, “Une Législation criminelle.”

connected with this expansion. The asyndetic מֵאַחֵיו “of his brethren” before מִבְּנֵי יִשְׂרָאֵל “of the Israelites” has been added during the *brotherhood-ethic revision*. The fact that this is an addition has often been noted. “The two expressions מאָחיו and מִבְּנֵי יִשְׂרָאֵל are not connected, so that they give the impression of being variants.”⁶³ The doublets וְהִתְעַמְרֵבּוּ “and if he violently oppresses him” and וּמְכָרוֹ “if he sells him” can also be connected with the brotherhood revision.⁶⁴

ON PLEDGES, AND ON THE WAGES OF THE DAY LABORER
(DEUT 24:10–13, 14–15)

The heart of the commandment about pledges and that of the regulation about the wages of the day laborer probably goes back to the author of the Deuteronomic law.

⁽¹⁰⁾When you make your neighbor a loan of any sort, you shall not go into his house to fetch his pledge. ⁽¹¹⁾You shall stand outside, and the man to whom you make the loan <he himself>⁶⁵ shall bring the pledge out to you.

⁽¹²⁾And if he is a poor man (אִישׁ עָנִי), you shall not sleep in his pledge; ⁽¹³⁾when the sun goes down, you shall restore to him the pledge that he may sleep in his cloak and bless you; and it shall be righteousness to you before YHWH your God.

⁽¹⁴⁾You shall not oppress a hired servant

who is poor and needy (עָנִי וְאֶבְיֹן),

of your brethren (מֵאַחֵיךָ), or of your sojourner (מִגֵּרְךָ) who are in your land⁶⁶

within your towns; ⁽¹⁵⁾you shall give him his hire on the day he earns it, before the sun goes down.

63. Seitz, *Redaktionsgeschichtliche Studien*, 123; see also Steuernagel, *Deuteronomium*, 140.

64. The same phrase can be found in Deut 21:14 and there, too, has apparently been added at a later point, possibly under the influence of 24:7: “Then, if you have no delight in her, you shall let her go where she will; but you shall not sell her (וּמְכַר לֹא־תִמְכְרֶנָּהּ) for money [you shall not violently oppress her (לֹא־תִתְעַמְרֶנָּהּ)], since you have cohabited with her.”

65. Add הוּא with the Samaritan Pentateuch.

66. The Septuagint and the Peshitta omit בְּאַרְצֶךָ “in your land” to eliminate the doublet “within your land in your towns” that was produced by the addition of the brethren-edition.

For he is poor (עָנִי), and sets his heart upon it; lest he cry against you to YHWH, and it be sin in you.

(1) The reason for the provision relating pledges (vv. 10–11) is obvious. The debtor has to be given the liberty to decide about his property, which is very limited in any case, and is to be protected against extortion. Also, the purpose of the provision that regulates the remuneration to be paid to the day laborer (vv. 14–15) is to prevent inequitable extortion and exploitation, in line with Deuteronomy's humanitarian ideal. The *brotherhood revision* has left its traces in v. 14b: "one of your brethren, or of your sojourner who are in your land."⁶⁷ The double localization בְּאֶרְצְךָ בְּשַׁעְרֶיךָ "in your land within your towns" shows that the interpretation of the hired servant as brother is a later addition. The humanitarian ideal now counts as an expression of the special relationship obtaining among members of God's people.

(2) To the provision on pledges in vv. 12–13, a subsidiary case is added: "And if he is a poor man (אִישׁ עָנִי)..." The preciseness of this provision has rightly caused surprise: "For even in the main case the person concerned must surely have been a poor man, otherwise he would not have been liable for the loan."⁶⁸ Moreover, this poor person is said to have a close relationship to YHWH; for when he blesses the author of the charitable act, YHWH counts this as righteousness (צְדָקָה). Thus, *commitment to the poor* becomes a "good work" that appears on the credit side in the divine Judgment. All of a sudden, the postscript no longer talks about some random pledge but about the cloak; yet "we learn this only from the continuation."⁶⁹ It is only explicable at all if what the writer had in mind was the corresponding provision in the Covenant Code (Exod 22:25–26). In the continuation we have to do with comparative inner-biblical exegesis, no longer with a legal precept.

In addition, the day laborer is undoubtedly one of the poor. Therefore, it is all the more surprising that the circumstance is now again especially stressed. The "hired servant" (שָׂכִיר) is defined in asyndetic apposition as being עָנִי וְאֶבְיֹן "poor and needy." These paired terms correspond precisely to the devout man's definition of himself in those psalms that have been revised from the standpoint of the theology of the poor; see Ps 40:18//70:6;

67. Perlitt, "Ein einzig Volk von Brüdern," 59 n. 33.

68. Seitz, *Redaktionsgeschichtliche Studien*, 178.

69. Seitz, *Redaktionsgeschichtliche Studien*, 178.

86:1; 109:22. In a postscript, this definition is repeated: כִּי עָנִי הוּא “for he is poor,” and the provision justified by his particular need: “he sets his heart upon it.” Again, the poor man is seen in a close relationship to YHWH, so that one could even say that a person’s relation to God is decided by his behavior toward the poor. This time the negative variant is chosen, just as in 15:9: the refusal of commitment counts as sin (חַטָּא) in the divine Judgment. The two provisions in Deut 24:10–13 and 14–15 stand side by side as conditional blessing and conditional curse.

ON CORPORAL PUNISHMENT (DEUT 25:1–3)

The final example is the rule about corporal punishment. Here, too, the sequence of literary revisions is repeated:

- (1) **If there is a case between men, and they come into court, and they** [i.e. the people in the court] **decide between them,**
 they shall justify the righteous (הַצְדִּיקִים) and condemn the wicked (הַרְשָׁעִים),
- (2) **then if the guilty man (הַרְשָׁעִים) deserves to be beaten, the judge shall cause him to lie down and be beaten in his presence, according to what is sufficient for his offence (רְשָׁעוֹתוֹ) by number.**
⁽³⁾*Forty (stripes) he may beat him, he shall not exceed;*
lest, if he exceeds to beat him with more stripes than these, your brother (אָחִיךָ) be dishonored in your sight.

(1) The regulation rests on a traditional legal tenet that can be detected in vv. 1a and 2. Corporal punishment is to be subjected to a proper procedure. It requires a decision before a public court, and the punishment must be carried out under the judge’s supervision. The number of lashes is determined in proportion to the gravity of the offence, “according to what is sufficient for his offence.” To this extent, the regulation is complete in itself.

What is in dispute exegetically is the point at which the legal consequence (apodosis) begins. Verse 2 is generally understood as a sub-section. In that case, v. 1aβb would already define a first legal consequence:⁷⁰ “If there is a case between men, they shall come into court...” That is not very probable, for to say that a legal matter (רִיב) should be decided before

70. Thus emphatically, Gertz, *Die Gerichtsorganisation Israels*, 98–100.

a court would merely be to state the matter-of-course conditions for the administration of justice; as a legal consequence, it would be meaningless. The וְהָיָה אִם “then if” in v. 2 rather states the outcome of the court’s investigation. The apodosis follows only with וְהָפִילוּ “he shall cause him to lie down.”⁷¹

(2) In v. 3a the directive was expanded for the first time. The number of lashes is to be limited to forty. To define the utmost extent of the punishment cuts across the court’s right of decision that was previously declared.⁷² “The disputed case and a just decision (‘according to what is sufficient,’ v. 2) are now forgotten.”⁷³ This limitation reflects the *Deuteronomic humanitarian ideal*, which differs from that of the earlier edict. The addition probably goes back to the editor of the first edition of the Deuteronomic law.

(3) In a third step, the limitation is justified. For this the style changes into the form of address: the disproportionate corporal punishment would affect “your brother’s” honor. The repetition $\text{לֹא יִסֶּיף / פֶּן־יִסֶּיף}$ “he shall not exceed / lest, if he exceeds” shows that the negative purpose clause v. 3b is a further addition. A continuous text would have read: $\text{אַרְבָּעִים יִכּוּנוּ לֹא יִסֶּיף פֶּן־יִקְלָה אֶחָיִךְ לְעֵינֶיךָ}$ “forty he may beat him, he shall not exceed lest your brother be dishonored in your sight.”⁷⁴ Here, once again, we can detect the *brotherhood revision*.

(4) Finally, the revisions that have to do with the *poor* and with justice have also left their traces behind them. For the judicial procedure וַיִּשְׁפֹּטוּם “and they decide between them” to be developed in the sense of “they shall justify the righteous and condemn the wicked” is in law no more than a matter of course and can, therefore, hardly belong to the original version. Its sense is to make a clear distinction *coram Deo* between “the righteous” (הַצְּדִיק) and “the wicked” (הַרְשָׁע).

CONCLUSION

The sequence of revisions undergone by the Deuteronomic law can be clearly observed in all the pericopes we have treated, and that sequence

71. Thus explicitly, Bertholet, *Deuteronomium*, 77. See also the translation by Marti, *Das fünfte Buch Mose*, 305 and by Steuernagel, *Deuteronomium*, 141.

72. Seitz, *Redaktionsgeschichtliche Studien*, 126.

73. Perlitt, “Ein einzig Volk von Brüdern,” 60.

74. Compare the observations by Merendino, *Das deuteronomische Gesetz*, 318; however, he maintains the unity of v. 3, seeing it as being added in its entirety.

remains the same throughout. The individual analyses thus support each other and lend the findings as a whole a high degree of certainty.

The foundation of the text's structure is the Covenant Code. A selection of its regulations has been taken over and newly interpreted for the changed conditions obtaining at the end of the seventh century. The centralization of the cult was probably an essential motivation for the revision, even though this is not in the foreground in the relevant sections (the changed procedure in 15:17 is an exception). Here what is already noticeable is a certain social-ethical intention, just as the Covenant Code itself, indeed, also already contains parenetic sections.

When the law was incorporated into the historical account, it was related to the impending conquest of the country. This new direction is a distinct individual step in the literary history of Deuteronomy, a step that in many places (here: Deut 15:4b, 7aβγ; 19:17b; 23:21bβ) can be detached both from the original version and from the later theological revision.

The decisive theological step that fundamentally changed the character of Deuteronomy and enduringly determined its present form is the covenant-theology revision. It makes the law book the documentary record of a treaty. For this, not only was the loyalty obligation put at the head of the book in Deut 6:4–5, but also, Deut 26:17–18 added a covenant agreement of which blessing and, especially, curse in Deut 28 form a part. Corresponding references can be found scattered throughout the book (here: Deut 15:5, 10, 15, 18; 19:16b, 18abα, 19b, [20], 21a; 24:7a [only מִבְּנֵי יִשְׂרָאֵל], bβ). The casting forward to Deut 28 as well as the casting back to the Decalogue in Deut 5 are characteristic.

Contrary to a widely held view, what has emerged here is that the brotherhood ethic was not a feature of the original Deuteronomy. In every instance it has been added to the earlier directives at a later point: 15:2 (only וְאֶת־אָחִיו), 3, 7aα (only מִמֵּאֲחָד אָחִיךָ), b (from וְלֹא onward), 8b, 11b (until דָּןְךָ), 12 (only אָחִיךָ), 13–14; 19:18bβ–19a; 22:1–4; 23:20 (only לְאָחִיךָ), 21a; 24:7 (only מֵאָחִיו and וְהִתְעַמְרֵם־בּוֹ), 14b (without בְּשִׁעְרֵיךָ); 25:3b.⁷⁵ The regularity of the additions suggests that they go back to a planned revision. They represent the internal morality of a religious-ethnic group, which can best be understood as a minority. The brotherhood ethic in Deuteronomy reflects the self-understanding of the Jewish temple community in

75. Instances such as Deut 14:21 (only מִכֹּר לְנִכְרֵי) and 17:15b not dealt with in this paper also belong to the same level in the literary history.

the ongoing Persian period, a community forced to share the country with a population that differs ethnically and religiously (even if its members do not actually live in the Diaspora) and with its ethical maxims begins to develop a morality of its own. Subsequently, the brotherhood ethic was added to the framework of the Holiness Code in Lev 25:25, 35–55.

Finally, Deuteronomy's concern with the interests of the devout poor belongs to the late period. The traces of this revision found in Deut 15:9, 11a, b β (only $\text{וְלֹא־בִינְךָ בְּאֶרְצֶךָ}$); 24:12–13, 14a (only וְעָנִי וְאֶבְיֹן), 15 (from כִּי onward); 25:1b belong to the same era—probably in the Hellenistic period—when the prophetic books and the psalms were also supplemented to meet the needs of this devout minority, with its devotion to the Torah. They lend even the Torah a characteristic thrust in the direction of the divine eschatological judgment. Traces of this revision can also be found in the book of Exodus in Exod 22:24 (only אֶת־הָעֵנִי); 23:1b α , 6 (only $\text{אֶבְיָנֶךָ בְּרִיבֹו}$), 7b, and 11a (from וְאֶכְלֹו onward).