THE POLITICAL AND THE SACRED:
POLITICAL OBLIGATION AND
THE BOOK OF DEUTERONOMY

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The Book of Deuteronomy can be read and interpreted as a text with profound political implications. This essay attempts to read this text from the perspective of political theory, generally, and the Jewish political tradition, specifically. The approach followed is to examine the Book of Deuteronomy as it has been redacted, with little attention paid to its "date of origin and deuteronomistic scholarship, which sees the text through a theological prism.

Introduction: Deuteronomy and Political Inquiry

The obligation to obey sovereign authority may emerge for prudential or moral reasons. Prudential obligation involves calculations of fear and self-interest; moral obligation implies one ought to obey because it is right. To say a king rules by Divine Right is to add moral legitimacy to political-legal obligation. From a contemporary, philosophical perspective, political obligation to the laws of the state can be understood as originating in a social contract; it calls for consent, reference to a general will and the pursuit of justice, and seeks the common good. Obligation in the biblical context not only involves political choices about authority, but theo-ethical judgements about right and wrong, good and evil. This essay will focus on the Book of Deuteronomy, political obligation and the Jewish political tradition. The inclusion of the Bible, and other sacred literature, as appropriate texts worthy of the attention of social and political scientists have now been incorporated in the pioneering work of Daniel J. Elazar, major monographs by Michael Walzer and Aaron Wildavsky, and now a journal published by the Jerusalem Center for Public Affairs (Jewish Political Studies Review).

Political theorists encounter several problems when they apply the methods of inquiry normally available to political science and political philosophy to the study of sacred texts. To delve into the research of Bible scholars is a daunting and humbling experience. Political scientists are unlikely to master the methodological and linguistic skills essential for in-depth exegesis of the Bible and the other
classical Jewish texts. Our more modest, yet broader, goal is to become familiar with the major interpretive traditions in Bible study, and their relationship to key concepts in political thought and practice.

Political scientists have acquired professional and disciplinary skills, enabling them to engage in their own specialized textual reading of documents and sources. Our concerns are not those of the Bible scholar. We are interested in the impact of major texts and traditions on the development of Western culture (a tradition of learning instead of a geographic designation) and society. For political scientists, the importance of Deuteronomy is not primarily about the authorship of the Decalogue, whether Moses talked to God, or if the text was composed in northern or southern Israel, if the text (or texts) represented a blending of different traditions over centuries, or the creation at a decisive moment in Israel's history. The approach followed here is contrary to that recommended by Jack Lightstone who states:

One cannot adequately analyze and explain Ancient Judaism, Early Christianity, or their interrelationships via the history of exegesis of discrete biblical texts. For the history of biblical exegesis generally does not take account of the larger systemic contexts, literary, cultic, and social, of which such discrete exegesis are a part. Taken out of these contexts and read as part of a vertical plain of interpretation of such-and-such verse hardly explains anything.6

Lightstone's conclusion is unconvincing. Of course, if we understand the anthropology and sociology of the sacred, our knowledge will be enhanced — however, our concern is with the political and intellectual impact of the canonized text, despite how the text came to be. That the rabbis may have "imposed" their own ideological agenda does not diminish the importance of the political. Lightstone indirectly supports the argument here when he states that the "shape and character of the rabbis' canon of scriptures marks it as a reflection of some ideal national, territorial state of affairs. That which is canonical, that is, authentic, authoritative, and revelatory of the meaning of being Israel, is confined to when the people first acquired and dwelt upon the home territory, around the national shrine and spoke the national language."7 If the biblical intellectual heritage was that of an amorphous, changing myriad of "canons," one would be unable to consider a text-based Jewish political tradition. Imagine what the history of political thought would be like if we study the meaning of justice from the "texts" of Cephalus, Polemarchus, Thrasymachus and Glacon, and did not benefit from Socrates' dominant and integrative presence, seen through the eyes of the Republic's "redactor," Plato. It seems that "scientific precision" should not be confused with misplaced concretism and intellectual misprism. It is important that the reader

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participate in the intellectual appropriation and reinterpretation of texts, sacred and secular; it is equally important to distinguish between text and commentary, despite how canons emerge.

Bible scholars do not have proprietary rights over all aspects of Bible scholarship. When political scientists approach sacred documents, asserting the holistic primacy of the finished text and its interpretive tradition, they are not primarily concerned with a “constructive” or “deconstructive” analysis. The affect of the text on Western political thought, and practice, is independent of the knowledge of Bible scholars, although we cannot begin to comprehend the complexity of the political implications if we do not understand that the text has survived because it was accepted as sacred. Fernanda Eberstadt expresses it well when she states that “a secularized Bible, read as political theory, as history, or as fiction, and hence, ever in competition with Rousseau, Thucydides, or Madame Bovary, is in much the same position as a one-armed man: it can pack a mean punch, but it cannot lift heavenward.”

Our approach is to meet the text as it was finally redacted because it is this comprehensive document which came down to us, over centuries, and has been read, and studied, throughout the generations. We do not share Harold Bloom’s concern when he states that “this Redactor, a formidable fellow...is the villain of this book, since I am convinced that but for him we would have a much fuller Book of J.” Eric Voegelin’s observations provide an interesting, contrasting perspective. He states:

Nevertheless, the fact that an important unit of meaning is to be founded within a source delimited by literary criticism must not blind us for the other fact that we still know nothing about the “Yahwist.” Assumptions about the manner in which this unit came into being base itself on the literary characteristics...but only its contents....We have come at last at the basic philosophical weaknesses of literary criticism, that is, at the attempt to treat the Biblical narrative as it were “literature” in the modern sense and the disregard for its nature as a symbolism which articulates the experience of a people’s order — of the ontologically real order of Israel’s existence in historical form.

Except for a very few highly specialized scholars, most academics do not engage in research in the form, source and literary underpinnings of the text (J, E, D and P traditions). They have not played an instrumental role in the determination of biblical political thought. This said, and before trying to show the relevance of the Book of Deuteronomy for the biblical political tradition, a brief outline of its origin, and development, is in order. Understandably, our discernment
of the Book of Deuteronomy’s political perspective becomes more intelligible with some background information on this text, its historical and literary traditions, and familiarity with its content.

Deuteronomy is the final book of the Torah (Pentateuch). It narrates the history of the Israelites, and their relationship to God, from the period of the exodus from Egyptian bondage, to their entry into Canaan (Israel). The book ends with the death of Moses who is not permitted to enter the Promised Land. As text, and tradition, Deuteronomy needs to be distinguished. Scholars, generally, understand the deuteronomic tradition as a unified work of seven books — Deuteronomy, Joshua, Judges, Samuel 1 and 2 and Kings 1 and 2: these texts share common literary features, but are not necessarily the work of one author or redactor.11 This essay is concerned with the biblical political tradition in Deuteronomy, seen as a comprehensive text, instead of an evaluation of deuteronomic texts and traditions.

No consensus exists on the determination of the exact date, geographic origin and authorship of the Book of Deuteronomy. The disagreement is intense and wide-ranging; some argue that the text dates to Moses, others see it as post-exilic (sixth century B.C.E.); some traditionalists accept Moses’ authorship, others see the text written by Samuel, the priestly aristocracy, or anonymous prophets; some trace the text to Shechem, or Bethel, others to Jerusalem.12 William Albright argues for “the essential historicity of the Mosaic tradition...on the ground of its very old, poetic content.”13 To Yehezkel Kaufmann, the literary approach shows that the entire Pentateuch is of early Israelite origins (pre-eighth century B.C.E.), although the final editing may be ascribed to a later date.14 Julius Wellhausen sees the covenant as a late invention in Judaism, following the Babylonian exile and retrospectively applied to Moses.15 J.G. McConville, unlike Martin Noth and Moshe Weinfeld, argues that theology influenced the laws, not the reverse. He denies that the historical method can date the text.16 The historical school, however, believes that the deuteronomic text is the document found in the reign of Josiah (621 B.C.E.) and forms the basis of his reforms. Clearly “…the problem of the origin of Deuteronomy becomes a study in the history of the traditions which it embodies.”17 From the perspective of the social sciences, and the approach taken here, the noted (recently deceased) historian, Salo Baron, offers a most poignant and perceptive observation. He states:

It does not matter at what period the Decalogue received its present wording. There is no better document of Mosaic monotheism than this….It may not be authentic word by word as a historical document, but it renders a poetic truth, in so far as it embodies a set of ideas which should have been voiced in precisely this way by a person like Moses in the period of Moses.18
Obligation Precedes the Law

The reference to the "voice" in Deuteronomy is critical to any explication of the text as "...Deuteronomy is not a legal document, but an oration."19 Deuteronomy begins, not with the written word, but with Moses' oral exhortation — "These are the words...". His stature, and acknowledged leadership, are apparent in the very first words of the text. All the people, later to be called the "People of the Book," listen and hear, before the words are to be inscribed. Despite the dating of the text, Deuteronomy's narrative shows that the written law followed upon a prior oral tradition, which many Bible scholars argue preceded the written text by centuries. The final redaction of this text is thought to reflect the earliest customs and traditions of the Hebrew people. If the text is to be understood as the written culmination of pre-existing oral laws, it can be argued that the Book of Deuteronomy, not the Mishna (literally, teaching; traditionally ascribed to Sinaitic origin, compiled and redacted in the early third century), is the first written expression of the oral law. Deuteronomy literally means the restatement of the law. Nachmanides (1194-1270) observes that the commandments repeat those already given at Sinai.20 Rabbi Sampson Raphael Hirsch states succinctly that "these are the words" refer "to the whole of the contents of this fifth book."21 Generally, the traditional interpretation is that the written law is what is being orally communicated.

The historical context for Deuteronomy follows upon the culmination of the Israelite's forty years trek in the wilderness. Moses is their acknowledged leader. He dominates the narrative. The laws, initially given by God at Horeb (Sinai), are now repeated orally by Moses to all the people in Transjordan. They are reminded of their obligation to obey the laws in the land they will enter, to fulfill the covenant between God and Abraham, Isaac and Jacob. Moses promulgates God's law for all to hear, not just for some designated leaders, nor for the intellectually-advantaged. These laws will constitute the foundation through which individuals, and tribes, are to grow into a community and nation: all individuals are ennobled, because each one of them, equally, is the recipient of God's law. Man has the capacity to adapt by virtue of being one of God's creations. He is privileged because "no one can substitute for him in his return, no one can atone for him, no one stands between him and God, no mediator or past event, no redeemer and no sacrament. He must purify himself; he must attain his own freedom, for he was responsible for the loss of it."22
Moses as Political Leader

The emerging polity cannot be governed by one man, alone; a political infrastructure is required. Laws need to be applied, and enforced, if they are to be more than "simply" religious obligations.23 The Israelites are not easily governed — they are a demanding people, with numerous "complaints."24 Moses concluded that he needed an administrative and judicial structure to rule effectively. The tribes are enjoined to suggest their own leaders: just as the Israelites consent to their covenant with God, so must they also consent to Moses’ call for assistance by nominating "men of wisdom and understanding, and repute."25 These officers, commanders and judges are appointed without reference to any explicit requirement of choosing subordinates who express a fear of God, or His divine spirit. They are to be intellectually able,26 their honesty and integrity above reproach. They must rule justly and equitably, and they shall not "accept a bribe; for bribery makes the wise man blind and the just man give a crooked answer."27

Deuteronomy, generally, ignores ceremonial and cultic rituals. With the establishment of a central place of worship, earlier religious rituals observed in local sanctuaries become secularized. Whereas Moses normally adjudicates major judicial disputes only with God’s intervention,28 in Deuteronomy, Moses decides these cases on his own. Magistrates, not sacral institutions and authorities, here decide the application of law. Moshe Weinfeld concludes that "the provision for the appointment of secular magistrates over matters which formerly lay within sacral jurisdiction implies, therefore, that the Israelite Judiciary had undergone a process of secularization."29 This process leads some scholars to conclude that Israelite law emerged in an evolutionary, syncretistic manner, reflecting the gradual transition of her tribes adapting to a Canaanite context over centuries, and would not have been possible if the deuteronomic account of Canaanite annihilation would have happened.30 But William Albright accepts the rapid destruction of the Canaanites by Israel as an explanation for the cohesion of Israel’s new religion.31

Moses is to act as a “court-of-appeal” in especially difficult disputes. His legal-administrative directives, important as they are, are not the sole measure of Moses’ political legacy. More important is the text’s underlying message of the equality of all individuals. Moses’ officers are instructed to be impartial, and just, to all, one law for the rich and poor, resident and alien.32

The sixteenth century Protestant reformer, John Calvin, makes continual reference to the Bible to show the importance of temporal political rule and the leadership of magistrates. However, he sees worldly life incapable of internalizing a higher spiritual existence. This is seen as a “Jewish folly.” Calvin’s belief in the egalitarianism between
Greek and Jew, slave and freeman, circumcised and uncircumcised, reflects his indifference to temporal distinctions — "spiritual liberty may very well consist with civil servitude." Calvin understood political obligation institutionally, that is, he was more concerned with acquiescence to the office of the magistrate than to the individual exercising authority. The sanctity of the written law supplanted the prerogatives of the leader. Conscience and reverence to God’s Law, not fear, underlay our obedience; however, obligation to tyranny is still demanded as no law is worse than bad law. The tyrant is God’s representative, sent to scourge human sinfulness, not to act as the political instrument of society. Still, Calvin’s theological directives introduced a realm of autonomous political activity and a theory of justified resistance of magistrates against a cruel king.

Despite the religious centrality of Calvin’s message, rulers were obligated to the citizen, the law and to God. Deuteronomy’s political infrastructure places greater emphasis on Moses’ individual and covenantal importance, and his selection by God, instead of on an office which at times would be instituted as monarchy and at other times as decidedly republican in nature. Moses chooses as leaders, and magistrates, capable and wise individuals. No explicit requirement is made of appointing subordinates who express a fear of God, or His divine spirit. In Deuteronomy the primary prerequisites for office-holding are intellectual.

Covenantal obligations do not exist as a model, or as an ideal. They are meant to be obeyed: Deuteronomy is not the Republic; Moses is not Plato. The laws are promulgated to affect human behavior, not to provoke introspection and philosophical reflection. The Israelites accept, or reject, God’s law and His covenantal commitments, and, accordingly, benefit from its promises, or suffer its “curses.” God demands immediate action, not passive acquiescence. The deuteronomic constitution is practical, accessible to all; it is not designed for saints or monastic spirituality:

The commandment that I [Moses] lay on you this day is not too difficult for you, it is not too remote. It is not in heaven that you should say, “Who will go to heaven for us to fetch it and tell it to us, so that we can keep it?” Nor is it beyond the sea that you should say, “Who will cross the sea for us to fetch it and tell it to us, so that we can keep it?” It is a thing very near to you, upon your lips and in your heart ready to be kept. Today I offer you the choice of life and good, or death and evil.

Carl Friedrich is correct when he argues that the egalitarianism of ancient Judaism originates in the equal sanctification of man, by God, whereas Greek legal thought, in Plato and Aristotle’s philosophy, “is markedly that of a spiritual elite.” It is precisely the acceptance of
God's power and majesty over man that makes it very difficult for a Jew to accept the arbitrary authority of man over man.

The juxtaposition of ethical prescription and compassion with harsh, brutal, genocidal acts is evident throughout Deuteronomy. The sojourn in the wilderness is bloody. God is directly in command of the Israelites, demanding that they occupy the land and fulfill the Covenant He made with Abraham, Isaac and Jacob. The people are timid and reluctant to engage in combat, or do so on their own initiative, and are decisively defeated (at Hormeh). God is angry and impatient with their complaints. Moses, as leader of the people, is held responsible for their disobedience, and all the generation-in-exile are denied entry into the Promised Land, except for Caleb and Joshua. Moses, even as he is punished, is given an added responsibility by God — to encourage and motivate Joshua, as he will later be in charge of the Israelites future, as a free people in a new land.

The impact of Moses' leadership is not to be measured by his immediate successes and failures, but gauged by the long-term survival of the people, and on the effectiveness of the leaders entrusted to Moses' charge. As the people are about to cross the Jordan river into Canaan, Moses, not God, speaks to Joshua in the presence of the entire community ("Moses summoned Joshua" — only after Moses' instructions does God give Joshua his commission). Joshua is to assume the leadership of the Israelites and occupy the land, as demanded by God. However, immediately following Moses' pronouncement of his "succession," Moses writes down the law, instructing the priests and elders to read it in public every seven years, when all Israel (men and women), including aliens, assemble for the year of remission. William Albright argues that a literate culture, early-on in biblical Israel, can be demonstrated (while the Greek world was without writing during its "dark age," for several hundred years).

Formally, Joshua is to carry this law to the Promised Land; actually, it is the law (teaching) that carries Joshua and Moses' legacy for all future generations to hear and read. God and Moses expect the people will be disobedient, idolatrous and break the covenant: the laws, however, are meant as a living constitution for all generations. Moses states:

Take this book of the law and put it beside the Ark of the Covenant of the Lord your God to be a witness against you. For I know how defiant and stubborn you are; even during my lifetime you have defied the Lord; how much more, then, will you do so when I am dead? Assemble all the elders of your tribes and your officers; I will say all these things in their hearing and will summon heaven and earth to witness against them. For I know that after my death you will take to degrading practices and turn aside from the way which
I told you to follow, and in days to come disaster will come upon you, because you are doing what is wrong in the eyes of the Lord and so provoking him to anger.40

Although God’s commanding presence is evident throughout Deuteronomy, in Moses’ reflections on the people’s past behavior, one here witnesses the emergence of Moses as a leader exercising considerable initiative and courage. As the Israelites are to cross the Jordan River, Moses reminds them of God’s covenantal promise to Abraham, Isaac and Jacob, and that the people are to be contrite, and humble, because the land they are about to occupy is not granted because of their merit, but as punishment for the wickedness of the resident nations. We learn that God was on the verge of destroying the Israelites (including Aaron) because of their rebellion at Horeb where, as God was writing the tablets containing the laws, the people were building the golden calf. Moses rejects God’s offer to lead a new and more righteous people; instead, he successfully pleaded with God, again, to forgive the stubborn and disobedient Israelites — “the Lord listened to me.”41 Max Weber correctly observes that to the rabbinic tradition, the golden calf incident was of greater consequence than Adam’s sin, as in the former, the disobedience of the Israelites meant that the covenant was broken.42

Obligation: Contemplative or Active

Moses is not a philosophical or distant, removed leader: although he often speaks for God, he also speaks to God, and now God is reminded of His covenantal obligations to His people and His reputation among their enemies who, if the Israelites were destroyed, would say “it is because the Lord was not able to bring them into the land which he promised them and because he hated them, that he has led them out to kill them in the wilderness.”43 In Deuteronomy, one cannot find a theoretical discussion of freedom, or ethics, but as the Passover narrative unfolds, we are able to see how the concern for liberation emerges in deeds, not introspection. Moses’ impact is not that of a philosopher engaged in the world of ideas, but as legislator, concerned with man’s actions:

There is no command in the Torah, “Be Free”; instead Passover reenacts the epic of liberation. No single biblical passage proclaims the equality of all human beings. Instead, the regulations governing the humane treatment of slaves and the provisions for setting them free and not returning them to bondage were more-prosaic but more-potent instruments for achieving justice and compassion. Moses did not preach morality; he created practices for embodying it in life.44
In Greek thought, the philosophical-contemplative life was idealized. In Deuteronomy, the concern is with duty, activity and “the commanding optimism of ethical struggle.” The here-and-now triumphs over the transcendent. Man is understood to be a creator and “only against the concrete, empirical backdrop of this world can the Torah be implemented; angels, who neither eat nor drink, who neither quarrel with one another nor are envious of one another, are not worthy and fit for the receiving of the Torah.” Faith cannot be separated from action:

Jehovah is always active, always dynamically here, in this world. The Hebrew does not say that Jehovah is, or that Jehovah exists, but that he does. Properly speaking, the Hebrew word hayah does not mean “to be,” so much as “to come to be.” Hebrew has no real word of “being,” but one of “becoming.” The verb is active and not static.

Therefore, “to be righteous is not to correspond to the idea of righteousness but to perform a deed which is righteous.” Hillel, when asked to state the essential nature of Judaism in one sentence, replied, “A miracle has been performed for our sake; therefore I shall establish a useful institution.” The contemporary philosopher, John Rawls, notes that “justice is the first virtue of social institutions, as truth is of systems of thought.” The non-Jew, Pascal, expressed the essence of Judaic thought in an exchange with a non-believer who stated, “I wish that I had your faith so that I may lead a life like yours.” Pascal responds: “Lead my life and you will acquire my faith.” In Judaic thought, we see an inversion of the Platonic ideal which states that to know the good is to do the good. In Judaism, doing the good leads to understanding and faith. The humanist, Montaigne (his mother, a Portuguese Jewess, expelled during the Inquisition), writes that “the conduct of our lives is the reflection of our thoughts.”

God actively instructs the Israelites on all aspects of life (conduct) as they are about to enter the land, including the proper place of sacrifice, dietary injunctions, remission of debt, treatment of slaves, the celebration of Passover, the care of the Levites (Priests), legal procedures, warfare, sexual behavior, marriage and divorce. These civil and criminal laws reflect Deuteronomy’s concern with the social, political and moral conduct of the Israelites, and ultimately how man is to govern himself. Man is not only responsible for his covenantal obligation to God, but his human obligations to man.

It is unnecessarily restrictive to equate Deuteronomy’s laws with obedience to the Decalogue. Covenantal obligation is not only between man and God, but man, the community and God. Justice cannot be gained through reflection and introspection, but through action, action which
affects the value of day-to-day life. One must do good, not simply to be satisfied with not doing harm. Prosperity, and plenty, do not exclusively accrue to a fortunate few: God's covenant is with all the people — the landless priest, widow, orphan, and His concern extends beyond the covenental community to include the alien. And both slave and alien are to be included in the celebratory pilgrim-feasts (Weeks and Tabernacles). The deuteronomic texts emphasizes “that enjoyment of the land depends upon Israel's devotion to Yahweh and readiness to give in obedience and self-denial.” As the foreigner's protector, the Israelites are obligated to ensure his well-being. However:

humanitarianism in Deuteronomy is not indiscriminate. A definite distinction is made between the attitude that is to be shown to the Israelites and non-Israelites....[This is] grounded, not in the rather weak concept of humanitarianism, but the covenant status of the people of God and the obligations which bind individuals within it.54

The obligation of Israelites to pay back debts to their brethren ceases after seven years. This is "the Lord's year of remission,"55 and as God remains the owner of the land, it follows that God also sets forth the terms of debt remission. It is one thing to always have the poor with you, it is yet another to grant to the wealthy power over the less fortunate, by virtue of their prosperity. If the poor do not receive the justice due them, they have recourse to God. To deny those in need is not only a violation of civic obligation, it is a sin.56 The remission of debts does not extend outside of the covenental community. It is not, however, clear if the debts of "foreigners" may be forgiven, or if their financial obligations are mandatory. Whereas Rashi (1040-1105) sees the debt obligations of the "foreigner" as "a positive command,"57 Nachmanides allows the creditor to exercise discretion.58 National-religious distinctions also apply to whether interest charges are permitted: yes, to a foreigner; no, to a fellow-countryperson.59 When it comes to wages, however, prompt payment to the alien and fellow-Israelite alike is required.60

Obligation: War and Retribution

Deuteronomy shows a sophisticated understanding of the importance of motivation, leadership, and purposeful, directed action in its exposition on how war is waged. The Israelites, despite their own numerical disadvantage, and inferior equipment and arms, are exhorted to actively engage their enemies. Their strength is measured in trusting God's leadership; they are directed by priests, officers, and the memory of how God liberated the people from Egyptian domination. The
morale of the troops is paramount: those who are troubled with domestic matters, their homes, vineyards, or betrothed, are permitted to leave, and "any man who is afraid and has lost heart shall go back home or his comrades will be discouraged."61 Also, "when a man is newly married, he shall not be liable for military service or any other public duty. He shall remain at home exempt from service for one year and enjoy the wife he has taken."62

Deuteronomy distinguishes between permissible and obligatory wars (God's wars). Rabbinic scholars differ whether the "seven nations" of Canaan could have been spared if they had stopped their pagan beliefs and practices. Rashi argues that those who are the enemies of the Israelites should be allowed to repent, but rejects as unauthentic any repentance, through fear, of those who reside in Canaan. Nachmanides, on the other hand, argues that the annihilation of the Canaanites would have been avoided if they had ceased to be idolators.63 This type of debate, about wars of annihilation, is not unknown throughout antiquity in the Near-East and later in ancient Greece. Hans Kohn states:

Socrates recommended that every effort should be made to arrive at a reconciliation and to avoid the annihilation [emphasis my own] of the enemy, whereas in a real war, that is a war between Greek and Barbarian, the complete subjugation of the enemy down to their abduction into slavery and their annihilation was permissible and prudent. From this Platonic definition of the relations between Greeks and Barbarians there was only one short step to the eternal warfare, which afterwards both Isocrates and Livy proclaimed necessary.64

Voegelin's selective historical reconstruction leads him to observe that "the conception of war as an instrument for exterminating everybody in sight who does not believe in Yahweh is an innovation in Deuteronomy."65 Yet, when God commands the Israelites to eliminate those who would prevent the implementation of the covenant, the deuteronomic text never embellishes, or glorifies violence. In Deuteronomy, we never encounter a text with the clinical bloodiness of Assurnasirpal's description (ninth century Assyrian ruler):

600 of their warriors I put to the sword; 3000 captives I burned with fire; I did not leave a single one of them alive to serve as a hostage....Hulai, their governor, I flayed, and his skin I spread upon the wall of the city; the city I destroyed, I devastated, I burned with fire....From some I cut off their hands and fingers; and from others I cut off their noses, their ears...of many I put out the eyes. I made one pillar of the living and another of heads, and I bound their heads to tree-trunks round the city.66

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In Deuteronomy, the contrast is between man’s enemy and God’s enemy who are described as an abomination. Israel is obligated to offer peace to its foes before attacking their cities; she is required to extinguish the Canaanite “seven nations,” but to spare the natural world which they inhabit:

When you are at war, and lay siege to a city for a long time in order to take it, do not destroy its trees by taking an axe to them, for they provide you with food; you shall not cut them down. The trees of the field are not men that you should besiege them.67

Israel’s national-religious cohesion is primary. Depending on her opposition, she is directed to respond against her enemies with proper measures. Ammonites and Moabites are denied covenantal status — the right to intermarry with Israelites — unto the tenth generation, while Edom and Egypt are forbidden to enter the “Assembly of God” unto the third generation.68

The Israelites’ path-of-entry into the land is precisely mapped out by God. They are ordered to avoid conflict with Esau and his descendants, Lot and his descendants. The soon-to-be Israelite occupation of the land, and the elimination of her enemies, is not without precedent. For example, “the Horites lived in Sefr at one time, but the descendants of Esau occupied their territory: they destroyed them as they advanced and then settled the land instead of them, just as Israel did in their own territory which the Lord gave them.”69 God tells Moses to attack Og (King of Bashan), take his land, kill him and his entire people:

So the Lord our God also delivered Og king of Bashan into our hands, with all his people. We slaughtered them and left no survivor, and at the same time we captured all his cities; there was not a single town we did not take from them. In all we took sixty cities....We put to death all the men, women and dependents in every city, as we did to Sihon.70

Deuteronomy always distinguishes between Israel’s neighbors, who are to be treated with justice and compassion,71 and those pagans who are an abomination to God, whose very survival is seen as incompatible with the spiritual and physical existence of the Israelites. God’s commands are unambiguous. Upon the defeat of the “seven nations,” the Israelites “must put them to death.”72 And “you shall devour all the nations which the Lord your God is giving over to you. Spare none of them, and do not worship their Gods; that is the snare which awaits you.”73 No mercy is to be shown to those who “as sacrifices for their gods they even burn their sons and their daughters.”74

Israelites who revert to idolatry and paganism shall be punished as harshly as Israel’s enemies. The worship of other gods will lead to death by stoning, for men and women alike. However, capital
punishment is not to be applied precipitously: deliberate legal procedures and rigorous evidentiary requirements must be applied. Rabbi Hanina states (Talmud, Sanhedrin 7b): “this constitutes an admonition to the court not to hear the words of one litigant before his opponent has arrived, and an admonition to the litigant that he should not present his case to the judge before his opponent arrives.” 75 A “thorough inquiry” is required prior to passing sentence, and “no one shall be put to death on the testimony of a single witness.” 76 (After a guilty verdict, the witnesses are obliged to cast the first stones.) Deuteronomy restricts capital punishment to three crimes — idolatry, murder, and those which are deemed sexually deviant.

Moses instructs the Israelites to establish three cities of refuge (with later provision for three more) as they occupy the land. There, the perpetrators of certain types of homicides (accidents) will be granted sanctuary, protecting them against personal and family revenge. Deuteronomy’s laws are designed to preserve civic order and to anticipate instances where private retribution will threaten the public good. These areas of refuge, however, are not meant to protect criminals who purposefully murder: they are to be turned over to the victim’s kin, to be put to death. Compassion is reserved for the victim’s family, not the criminal. Rashi states, “you shall not say: The first has already been killed; why shall we kill the other one and and then where will be two Israelites slain?” 77 S.R. Hirsch observes that “consideration for a murderer would not be consideration for human blood but indifference towards the shedding of innocent human blood.” 78

All complicated lawsuits are subject to higher adjudication, and priests and judges are to find correct precedents, as their decisions must be implemented to the letter of the law. For deterrence to be effective, punishment must be administered; so that “all the people will hear of it and be afraid.” 79 And those who would present false, malicious testimony are also subject to retribution. If judicial proceedings uncover that a witness has lied, he is to be punished with the same severity awaiting the accused. 80

Obligation: Past, Present and Future

Moses is a teacher of God’s law. Neither he, nor anyone else, is permitted to ignore, or augment it. Human ingenuity, reflection, and free-will remain part of the human condition: laws have to be humanely interpreted, and correctly applied, but God’s fundamental law and teaching (halakhah) cannot be set aside. The task of scholarship, incumbent on all observant members of the covenantal community, is to bring oneself as close to the meaning of God’s law as
possible. Adin Steinsaltz’s reflections on the study of Talmud are especially illuminating:

There is no greater glory for a scholar than to find that the thought he has developed independently has already been formulated by others before him, since this constitutes sound proof that his methods of study have not exceeded the bounds of true knowledge and are a continuation of talmudic thought itself. The talmudic saying that “Everything that the distinguished scholar creates anew has already been said to Moses on Sinai” was not aimed at discouraging the scholar but rather at stressing that all true innovations are inherent in the Torah itself and merely need to be uncovered....The predilection of the great scholars throughout the centuries for seeking similarities between their theories and those of other scholars is expressed in the saying: “Blessed is He that I have expressed the same view as the great scholars.” Innovation and substantiation are, therefore, complementary instead of conflicting, and each scholar tries, in his own way, to arrive at “Torah from Sinai.”81

Although the deuteronomic idea of law and obligation does not originate within a Western tradition of liberalism and natural rights, it is by no means illiberal and rigid.

Judaic thought emerges out of remembering God’s past achievements and His future expectations of man. It is, thus, inherently historical. Character and personality develop over time. When Odysseus returns to Ithaca, after a twenty-year absence, he thinks and acts as though time had not elapsed. In the Bible, characters grow, develop and change. The text is not only about the history of a people, it also depicts, with considerable drama and detail, the story of “ordinary” individuals who live fragile and flawed lives, so unlike the heroic characters depicted in Homer’s epics. Erich Auerbach states that “the representation of daily life, remains in Homer in the peaceful realm of the idyllic, whereas, from the very first, in the Old Testament stories, the sublime, tragic, and problematic take shape precisely in the domestic and commonplace.”82

Jewish political thought cannot be separated from man’s reflections about his past. Moses reminds the people of their prior obligations to God and His law, a law that, although designed, promulgated and heard in exile, will bind the Israelites upon entering the land. The people are reminded of their previous transgressions, God’s power and forgiving qualities: hope is tied to remembering the past and correcting future behavior. Leo Strauss observed that “the life of the Jew is the life of recollection. It is at the same time a life of anticipation, of hope, but the hope for redemption is restoration.”83
The Israelite’s obligation to obey the law extends beyond his own individual and community concerns. God cares about His reputation among all the nations, and the Hebrews are His exemplary work. They are to “display [their] wisdom and understanding to other peoples.”

And “what great nation is there whose statutes and laws are just, as is all this law which I am setting before you today?” The people’s obligations are not restricted to observing the law, but to teach it; so that all future generations will fear God and remember the consequences of disobedience for which no one, not even Moses, was immune.

The Israelites are free to choose either the dignity and nobility of God’s law, or the abomination and depravity of human idolatry. Free-will is not cost-free: covenantal obligation means engaging a merciful and forgiving God, or a jealous and angry God, who threatens the dispersion of the people.

In Deuteronomy, when Moses summons the people to proclaim God’s law, he reminds the people of the still-binding commandments which God previously spoke at Horeb. In Judaic thought, what comes later does not supplant what transpires earlier — rather, it serves to remind the current generation of the historical roots of their continuing obligations. And the commandments are for the fathers, sons, and all future generations to observe. Although it was the generation of the parents of the people about to enter the land who were responsible for the failures and disobedience recounted by Moses, he chastises the present generation as though they were directly accountable.

The Zohar dramatically reinforces the biblical importance of the organic interdependence between the past, present and future. It states that a son must honor his dead father. If the son “walks in the straight path and his deeds are upright, then he confers honor on him both in this world among men and in the next world with God, who gives him a special throne of honor.”

What we witness here is “a covenant of epochs expressing through their continuity man’s covenant with God.”

The importance of generational consent to God’s Torah also infuses the tales and legends of the people. In one haunting narrative, God is portrayed as reluctant to give the Torah to the people as He is concerned that they will not be sufficiently obedient. God ultimately relents, placing His hope on the children of Israel. At this point:

The Israelites brought their wives with their babes at their breasts, and their pregnant wives, and God made the bodies of the pregnant women transparent as glass, and He addressed the children in the womb with these words: “Behold, I will give your fathers the Torah. Will you be surety for them that they will observe it?” They answered: “Yea.” “Ye shall have no other gods.” They said: “Nay.” In this wise the children in the womb answered every commandment with “Yea,” and every prohibition with “Nay.”
The Burkean contract among the dead, living and unborn, could not have been expressed more poignantly.

The Decalogue is first spoken for all-assembled to hear, and then written by God on tablets of stone for future generations. God addresses the people as their liberator from Egyptian slavery. The people are reminded that God will not tolerate the worship of "other gods." God's punishment is severe — "I punish children for the sins of their fathers to the third and fourth generation of those who hate me. But I keep faith with thousands, with those who love me and keep my commandments." How are we to understand this warning? Does it mean that historical and covenantal obligations demand punishment of future generations for the sins of the fathers? Or, does it mean if subsequent generations continue to sin, they will be punished? Does this collective generational obligation refer only to the sin of idolatry, or to all sin? And how are we to read this text when juxtaposed to "fathers shall not be put to death for their children, nor children for their fathers; a man shall be put to death only for his own sin?"

Obligation and Kingship

Deuteronomy projects to a time when a king is to govern the Israelites. The monarch's powers are clearly proscribed. He is not to be a typical, Near-Eastern despot. His legitimacy does not emerge in his status and achievement as a military conqueror, but through God's election. He will be an Israelite, obligated to maintain her national independence, of modest means, committed to an exemplary private life and, above all, he must, with guidance from the priests, transcribe a copy of the law, read it continually, and abide by its injunctions. Although Israel is free to imitate the institutions of her neighbors, these institutions must not challenge the mutual covenantal obligations between man and God. She must "not learn to imitate the abominable customs of those other nations....It is because of these abominable practices that your Lord your God is driving them out before you."

Deuteronomy exemplifies the classic form of treaty structure manifest in earlier Hittite and Assyrian periods. One can observe the traditional treaty sequence of a historical introduction, followed by an enumeration of the laws, blessings and curses. Although the covenantal framework in the ancient Near East is similar, there exists nothing comparable to Israel's concept of law. In Egypt, for example, there was "no need for a written law because it had a living law, the Pharaoh, son of Ra, a god upon earth, whose word laid down the law." And, in Babylonia, the Code of Hammurabi, often compared to the Deuteronomic Code, operates with an autonomous, independent king, not bound by his own code: he rules through his interpretation of custom and
tradition. No such power is ever granted to an Israelite king; who also is obliged to follow the covenant.

The monarchy, in Deuteronomy, is a dispensable institution, with restricted powers. Here we never encounter arguments for its perpetuation, or that the monarch should exercise ever-increasing authority. Indeed:

The Jewish political tradition does not recognize state sovereignty as such. No state — a human creation — can be sovereign. Classically, only God is sovereign and He entrusts the exercise of His sovereign powers mediated through His Torah-as-constitution to the people as a whole.97

Ancient Israel is, however, a political and religious community, under God. Human rulers are bound by the covenant, in the same way as those over whom they rule. Not even the great leader, Moses, is permitted to cross over proscribed boundaries, be they understood as religious commandments or the territory of the Promised Land. To the extent that the state exists, it cannot be understood separate from the religious community. Elazar uses the term “theo-political,” to characterize the importance of the political, in the covenantal relationship between God and man.98

Obligation and Civil Status: Slaves, Laborers and Women

The commandment to observe God’s Sabbath is important to our understanding of Deuteronomy’s attitude to slavery. The Sabbath demands obedience because the Israelites are obligated to “remember that you were slaves in Egypt and the Lord your God brought you out with a strong hand and an outstretched arm.”99 The Sabbath day of rest serves to remind the Israelites of their previous servitude and the struggle for national liberation. It represents Jewish freedom: man is God’s partner in creating the world. In Exodus, the Sabbath commemorates God as creator while in Deuteronomy, God, the redeemer, is remembered as the liberator of the Hebrews.100

The Greek and biblical attitudes to labor and slavery present us with an interesting contrast. In Deuteronomy, slavery is not a relationship based on property rights. It is a six-year form of indentured service. The slave possesses human rights, which follow from his dignity and worth before God. In the seventh year, he is set free, legally and economically, as the master is obligated to “give him lavishly from your flock, from your threshing-floor and your wine-press.”101 The contrast between the nobility of Deuteronomy’s vision of the Sabbath and Max Weber’s observations is worth noting:
The fact that in contrast to Babylonia, the day of rest in Israel became or remained a regular recurrent day is simply to be explained by the greater prevalence in Palestine of peasant economic interests and customs.... The regular prevalence of the Sabbath was probably established with the strengthening of the market economy.  

How would this “market economy” explain that it was forbidden to force the return of an escaped slave to his master?  

In Greek and Roman literature, although we can point to appeals made for the proper treatment of slaves, they are the expressions of a philosophical elite which:

- did not become what they had been in Judaism: the Torah for the whole people. That is why these kindly expressions of Greek and Roman literature could coexist with the horrors and atrocities vented by the idle upon those unfortunate creatures who, according to Juvenal, are “not really human beings.”  

Plato felt that he had demonstrated the natural slavishness of slaves, by virtue of their failure to commit suicide. To the Greek mind, labor was to be avoided; it represented that part of the human condition where man’s activities came closest to animals while, for the Hebrews, to labor is to affirm what God has given to man. The “Allegory of the Cave” in Plato’s Republic has an interesting parallel in talmudic literature. Rabbi Simon bar Yohai, and his son, are compelled to seek refuge in a cave to flee from Roman persecution. Twelve years later they return to the outside world, where they meet farmers working the fields. Simon bar Yohai, seeing them, disapprovingly exclaims that the people are too preoccupied “with the life of a moment.” This legend concludes with a heavenly voice calling to them: “Have you come to destroy my world? Go back to the cave!”  

In Plato’s allegory, those who labor, reside in shadows; in Judaism, labor is not denigrated, nor is it separated from the life of the mind. The greatest rabbinical sages saw man’s labor as noble and dignified. S.R. Hirsch states that “our greatest spiritual heroes... a Hillel, a Rabbi Jehoshua, a R. Chanina and R. Auchio, a R. Huna all lived in the most straightened circumstances and earned their living as wood-chopper, cobbler, porter, drawer of water.”  

Leo Baeck notes:

This followed from the fact that its general conception of life endowed labor with a religious and ethical consecration: man is appointed by God to labor. Such an esteem for work was unknown to classical antiquity; the Greeks thought labor to be mean and unworthy of the free man. When Aristotle justified slavery by suggesting that it is absolutely necessary to free the citizen from everyday menial work and thereby allow him a noble leisure on which to build the true life, he expressed an entirely Greek
attitude....In Israelite law the slave is a person entitled to rights and stands before his master with definite legal claims. The master is, therefore, not considered the owner of the slave. He has not full and unlimited freedom of dealing with him, but merely a restricted and conditioned power of disposing of him. Serfdom is thus established not as a relationship with its foundation in the general order of law, but merely as a temporary form of service. Thereby the principal of slavery is destroyed.107

John Locke also notes that the classical form of slavery did not exist in the Old Testament “for it is evident the person sold was not under an absolute, arbitrary, despotical power.”108 No master had the prerogative to injure, let alone kill a slave.

Deuteronomy is about the liberty and liberation of a people who, metaphorically and literally, learn that their escape from slavery, foreign bondage and oppression, cannot be equated with the acquisition of freedom, which is a longer, more difficult task. Deuteronomy, essentially, is a humanistic and ethically-focused text. Unlike in Exodus,109 slaves in Deuteronomy are set free with the means to provide for their own sustenance, and integration into normal life. And slavery is best understood as service, not personal bondage. The slave is free to conduct his private life, marrying and having children, without the permission of the slave-owner. The word “master” (adon) never appears in the text. The slave is seen as akin to the “brother” of the slaveholder.110 The author of this text did not set out
to produce a civil-law book like the Book of the Covenant, treating of pecuniary matters, but to set forth a code of laws securing the protection of the individual and particularly of those persons most in need of it. It is in keeping with this purpose that the author of Deuteronomy incorporated in his legal corpus laws about the protection of the family and family dignity (22:13-19), significantly enough, not found elsewhere in the Pentateuch.111

Deuteronomy also refers to the release of female slaves, unlike in Exodus.112 Women, and men, are now part of the same covenantal family. Generally, Deuteronomy’s laws are sensitive to the status of women in society. Female slaves do not receive added burdens; they are protected against conjugal slander,113 violations of personal intimacy114 and, unlike in Exodus,115 women participate in the ceremonial life of the covenantal community. In times of war, women captives, atypically, are not part of the plunder and spoils of war. If a man is attracted to one of the captured women, he may marry her, but only after she has completed a one-month mourning period for her family, in the home of his father. If, subsequently, the husband deems the marriage unsatisfactory, he can divorce her, but the woman is to be
freed, not treated as a prisoner of war, because she has been ill-served by the man.\textsuperscript{116}

When Moshe Weinfeld states that Deuteronomy’s attitude to women reflects a sentiment in favor of “the equality of the sexes,”\textsuperscript{117} he may be approaching the text through contemporary values. It is, however, fair to conclude that women are represented as individuals of stature and dignity, including female slaves and prisoners of war. Women are now within the covenantal community: they, and men, are equally subject to criminal law, even as women remain subject to men (father or husband) for damages under tort law.\textsuperscript{118}

Deuteronomy’s treatment of women does not originate in modern theories of individual rights, but reflects Deuteronomy’s idea of covenantal obligation which, sometimes, is harsh and differs markedly from contemporary perspectives (for example, the punishment of disobedient children and laws about chastity). Yet “there is no suggestion in the OT of a private judgment on adultery, such as is characteristic of other eastern codes....One reason was that they were regarded as crimes not simply against individuals but against society as a whole.”\textsuperscript{119} Although justice and equity emerge out of a covenantal obligation framework, they speak to today’s concerns, for example, on justly attributing responsibility in the rape of a betrothed woman, which Deuteronomy treats as a crime, with women absolved from responsibility, if help is unavailable. If the woman is not betrothed the man is obligated to pay a fine to her parents, marry her, and lose his right of initiating a divorce.\textsuperscript{120}

Covenantal Love: Obligation and Consent

It is possible to isolate at least six philosophical constellations through which one can analyze political obligation. They include:

1) Ethical Naturalists. What is upheld is a natural law tradition, philosophically or religiously understood, which believes in absolute morality. Representative figures include Sophocles and Thomas Aquinas.

2) The Organicists. Here one encounters arguments asserting the superiority and transcendence of the state over the individual, the common good over private concerns. Representative figures include Rousseau and Hegel.

3) Social Contract Theorists. Political obligation is rooted in the belief, heuristic or historical, that a contract between the governed and the government determines individual behavior. Representative figures include Hobbes and Locke.
4) Utilitarian Individualists. Here political obligation can only be legitimated through individual consent, which is informed by hedonistic calculations of pleasure and pain. The great Utilitarian figure is Jeremy Bentham.

5) Existentialists. It is man’s actions and existence, not his intellectual thinking, which inform human behavior. Representative figures include Kierkegaard and Sartre.

6) Philosophical Anarchists. Here the individual conscience, not authority, is sovereign. Representative figures include Godwin and Tolstoy.121

Although ethical naturalists and social contract theories come closest to approximating biblical notions of political obligation, the covenantal framework of Jewish political thought, although predicated on the consent of the people, cannot be understood without comprehending that rights and obligations emerge under God’s sovereignty. Without God’s love, and concern, man is subject to arbitrary and oppressive human rule. The path to Israel’s liberation is informed by God’s design and guidance; her enslavement, physically and morally, is a result of her own failures, and that of the dominant powers under which she lives. Freedom and dignity demand that the people obey God’s law. Obligation is a community and an individual requirement. In Jewish political thought, there is no substantive theory of natural rights, no artificial man or polis, no concept of concepts. Rights and obligations exist; they emerge out of God and man, and man and man, acting and interacting, in history.

A narrow legalistic reading of Deuteronomy, one which focuses exclusively on the apodictic and casuistic nature of the Decalogue, leads to a misrepresentation of the Jewish political tradition: one must recall that Moses calls for the people to “circumcise the foreskin of [their] hearts and not be stubborn any more.”122 Deuteronomy is not primarily a legalistic book. It is a book in which human obligation originates in the love between God and man. E.W. Nicholson observes that “the authors of Deuteronomy were concerned with driving home upon those who listen the only true motive for obedience — love of Yahweh.”123 Deuteronomy can justifiably be seen as an exegetical commentary on:

Hear, O Israel, the Lord is our God, one Lord, and you must love your Lord, your God with all your heart and soul and strength. These commandments which I give you this day are to be kept in your heart, you shall repeat them to your sons, and speak of them indoors and out of doors, when you lie down and when you rise. Bind them as a sign on the hand and wear them as a phylactery on the forehead; write them up on the door-posts of your houses and on your gates.124
Ethical monotheism in the Bible is not, as some have argued, restricted to the prophetic texts, and then carried forward exclusively in the New Testament. In the Gospel according to Mark, Jesus states that the greatest commandment is elaborated in the above text (on love and monotheism) and, then follows, “love your neighbor as yourself.” Indeed, it is impossible to understand Deuteronomy’s legal and political importance in Jewish history without acknowledging the passages beginning with “Hear, O Israel.” Repeating those words about loving God, and His oneness, Jews went to their death at the hands of the Roman’s in 70 C.E. and in Hitler’s crematoriums, two millennia later. The spiritual and historical legacy of this prayer does not correspond to a belief in a particularistic, harsh legal code. These last words were the final expression of an internalized love between man and man, and man and God. Peter Cragie’s observation is to the point. He states:

Love was not simply a principle or abstract ethical concept....To break the commandments was to disrupt the relationship of love; when there was no love, there could be no covenant. The renewing of the covenant, thus, consisted in a new commitment in love to the God of the covenant. God’s covenantal love is generous. He demands acknowledgment as the one God, as being responsible for having brought the people out of slavery, and for the promise of a land, and its beneficence, which is provided through His graciousness. The Israelites are obligated to obey God’s commandments, not as they choose to interpret them, but with full consciousness of their historical obligations, and that they must “do what is right and good in the Lord’s eyes.” [emphasis my own]

The Jewish idea of covenant goes beyond the letter of the law. If God were to act strictly in accord with His covenantal obligations, His people would have long-ago disappeared. The point is to go beyond the narrowest interpretation of obligation. In effect, hesed (covenant-love) must accompany brit (covenant-obligation). Daniel Elazar notes that ancient Hebrew had no word for obey. Authority, to be legitimate, had to arise out of consent and understanding. Whereas, in classical political thought, freedom and obligation are understood as part of the natural world, not subject to human will. Seventeenth century notions of individual rights focused on individual prerogative and choice, separate from external referents — “each person is [was] the best judge of his own happiness.” Charles Taylor’s quest to understand modern identity and dignity involves his belief in “the affirmation of ordinary life,” but distinguishing this from a commonly held conviction that all choices are acceptable. For Taylor and Elazar, “frameworks” are imperative, integral to self-identity and necessary for the pursuit of the good.
Hesed and brit are interdependent, reflecting the mutuality between God and man. God’s covenantal love is not solely an act of grace, but demands reciprocal loyalty between Him and His people. Without man’s covenantal love toward God, He is not obligated to act on behalf of the nation. It is interesting that the denial of the importance of the biblical covenant comes from two divergent perspectives: the most common, denied the centrality of the land; the other, expressed by Spinoza, states:

Next I inquired why the Hebrews were called God’s chosen people, and discovering that it was only because God had chosen for them a certain strip of territory, where they might live peaceable and at ease, I learnt that the Law revealed to Moses was merely the law of the individual Hebrew state, therefore that it was binding on none but Hebrews, and not even on Hebrews after the downfall of their nation.

Spinoza’s biblical exegesis never enabled him to see that “…one of the distinctions of Deuteronomy is its effort to base the binding power of the law upon knowledge and love….What Deuteronomy calls love of God means the liberation of the will from individual fear and individual hope, replacing them by the recognition of the idea of national and universal retribution, and the love for the workings of divine providence in accordance with this idea.” In Deuteronomy, there is no contradiction between a covenant defined by the mutual love between God and His people, and the expectations, and demands, made upon the same people:

Deuteronomy places the nation’s very existence under the stipulations of covenant. It knows nothing of unconditional promises! Even the promise of the land is laid under a warning and a threat. In positively classical fashion it addresses Israel as it would if she stood perpetually antecedent to the giving of the land — as though the promise of land, long ago fulfilled, was yet an open question and subject to conditions. It addresses each generation of Israelites as though they had themselves stood with their ancestors at Sinai (Horeb) and had personally bound themselves to the terms of the covenant.

As a holy people, sanctified by God’s covenant with them, the Israelites owe Him obedience, and in their behavior to each other and the foreigner: “their holiness is evidenced to the extent to which their character approximates to that of God.” In Deuteronomy, justice cannot be understood through contemporary, Western liberal notions of privacy and individual rights. Justice always implies commitment to God, His covenant, and “a positive and social commandment.” In one sense, Wellhausen is correct when he asserts Mosaic constitutionalism
is the end of individualism in Judaism.\textsuperscript{139} However, "...by concluding the covenant, God, too, subjected himself to its terms...exercising his reign over the people under the provisions of a self-imposed law."\textsuperscript{140} In Deuteronomy, biblical political thought affirms both "God's freedom and supremacy and the idea of justice promulgating his righteousness as the rule of right among men."\textsuperscript{141}

Conclusion: Deuteronomy and Political Thought

As a text, Deuteronomy differs markedly from traditional political treatises; it is not Plato's \textit{Republic}, or Aristotle's \textit{Politics}. If we approach Deuteronomy as a systematic political text, or in terms of its syllogistic reasoning, we cannot but conclude that it has little relevance for political scientists. However, the subject-matter of political theory includes what is, and what ought-to-be: its task is to educate, by examining and criticizing existing practices, and to propose ideal and pragmatic alternatives. On these grounds, the Book of Deuteronomy is a text rich in political meaning and complexity. The retrieval of our earliest Western political traditions cannot be ascertained solely by examining their Greek and Roman roots: any comprehensive approach will have to address Judaic and Christian contributions, which also form an indelible part of our political culture and understanding.

The Bible, generally, and the Book of Deuteronomy, specifically, offer insight into a range of political issues normally not included in the mainstream of disciplinary teaching and research. Whereas Greek political thought speculates on law and justice, Judaic political thought is informed by a concern with its implementation and administration. Whereas Greek ideas of freedom depend on the development and autonomy of the human intellect, Judaic perspectives on liberty originate in the belief that God is sovereign, and that human beings are ennobled by their being created in His image. Whereas Greek thought is philosophical, and created an aristocracy of the mind, Judaic thought focuses on covenantal obligation, and the primacy of deeds over intellect. Both Greek and Judaic political thought, in their distinctive ways, are about the connections and interdependence between theory and practice, potentiality and actuality.

Michael Oakeshott sees the modern "Rationalist" as the optimistic individual who asserts the primacy of individual reason over obligation, tradition and authority.\textsuperscript{142} For him, all truths (and rational man is always skeptical), can be acquired through understanding, unfettered by the past, or answers which lie beyond the "self." The Jewish political tradition, as well, incorporates a belief in human reason and transformative action, but resists all theories of "rights" separated from man's obligations to each other and to a higher
authority. Whereas "rational man" sees no higher authority then himself, "biblical man," although creative, is not the Creator. Judaic thought rejects what Oakeshott calls "the blank sheet of infinite possibility." Indeed, the very idea of a detached, uninvolved philosophical speculation is alien to Judaic thought. It is the "actual" which informs Judaic consciousness, not "actuality"; its concern is with the relationship between the individual, his community and God, not with Essences, Forms and the Universal. For Leo Strauss:

The recognition of universal principles forces man to judge the established order, or what is actual here and now, in the light of the natural or rational order; and what is actual here and now is more likely than not to fall short of the universal and unchangeable norm. The recognition of universal principles tends to prevent man from wholeheartedly identifying themselves with, or accepting, the social order that fate has allotted to them.  

The Commandments (the universal principles of Sinai) and their obligatory demands are, therefore, not reinforcing, conservative norms when applied to human rule: it is these revelatory interdictions which permit greater autonomy in human affairs, as no man can now claim legitimacy through the exercise of arbitrary rule. Even as the ancient Hebrews retained their faith, "creative skepticism is at home in this profoundly religious people."  

Voegelin's "Christian reading" sees the Moses of Exodus as the prophet of God's universal message while the Moses of Deuteronomy is a "fictitious" author of the first pseudepigraphic text of the Bible, "a mummified Pharaoh." Here the political-legislative-administrative order is seen to replace the earlier spiritual enumeration of principles. For Voegelin, this represents the triumph of the particularistic, historical "Jew" over God's universal, revelatory message: the Book now becomes the transformative myth of the Jews (and the Christian Old Testament), in a way never previously understood by the Israelites. Voegelin states:

The Torah as the symbolic end of Israel's life, as the contraction of the universal potentialities of the Sinaitic revelation into the law of an ethnic-religious community, as the occasion on which the historical circumstances of revelation were transformed into the revealed word, and as the instrument used by the sages to suppress prophetism — all this is understandably of less importance in the orbit of exegesis than the spiritual treasure which after all was preserved in this magnificent sum of the Sinaitic tradition.

If the Exodus is a "paradigm of revolutionary politics," the Book of Deuteronomy provides insight into whether the revolution is to be successfully institutionalized or not. Difficult as it is to make a
revolution, it is far more difficult to sustain and institutionalize the ideals and goals which precipitated the revolution. If the political context of Deuteronomy is not yet at the second stage of the revolution (sovereignty has been articulated, but not yet applied), we are certainly in the final moments of the 40-year desert trek, with a fully developed infrastructure in place, waiting for implementation. If Moses' legacy was solely as the national liberator described in the Book of Exodus, his impact on the Jewish political tradition would have been diminished, and different.

I have tried to show that even if we apply the most rigorous definition to what constitutes the political, the Book of Deuteronomy needs to be analyzed as a text of considerable political insight and importance. Its content allows us to consider a number of important issues of interest to political scientists, both in their research and study. Relevant political concepts discussed in this interpretive essay include law, order and justice, crime, action and contemplation, leadership, violence, war, monarchy, power, the idea of history and remembering, hope and expectation, constitutionalism, covenantal love and obligation, liberty and consent, labor, property, and slavery. All of these issues are proper concerns of political thought. And the Book of Deuteronomy, as well as other texts of the Bible, require the attention, skill and scholarship of an increasing number of political scientists who will present their observations and insights to students and colleagues, through teaching and research.

Notes


9. Harold Bloom and David Rosenberg, The Book of J (New York: Grove Weidenfeld, 1990), p. 22. Bloom’s thesis is that the “J” author is the most creative and literary of all the biblical sources. He concludes that “[J] is at once the greatest and most ironic writer in the Hebrew Bible; she is essentially a comic author...” (p. 26). Perhaps a more apt title for Bloom’s monograph would have been The Book of Jokes.


23. Jeffrey Macy argues that no concept of natural law exists in the Bible: indeed, there is no word for natural in biblical Hebrew. An autonomous concept of “natural” is not easily reconciled with an

24. Deut. 1:12. All references to the New English Bible.
26. For additional detail, see Weinfeld, pp. 244-245.
27. Deut. 16:19.
31. Albright, p. 31.
35. For greater detail, see Weinfeld, pp. 244-245.
36. Deut. 30:11-15. The importance of human responsibility in appropriating God's law is pointedly illustrated in the talmudic narrative (B. Baba Mezia 59b) where Rabbi Eliezer ben Hycranus, unable to convince his colleagues in the academy that his own opinion was correct, reverts to relying on a series of miracles and finally God's intervention to support his assertion. Rabbi Joshua, speaking for the majority of dissenting sages, refuses to give in, even after God has spoken in support of Eliezer. Joshua, citing Deuteronomy 30:12 that the law "is not in heaven" but accessible to all, says "pay no attention to the heavenly voices, for You have already written at Sinai in the Torah that we must follow the majority." The story goes on to report that the prophet Elijah said God "smiled and said, 'My children have overcome me!'" Cited in Robert Gordis, The Dynamics of Judaism (Bloomington: Indiana University Press, 1990), p. 79.
38. The Judaic notion of a religious community is not predicated on the distinction between priest and layman, but "those who teach and those who learn." See Baeck, p. 49.
39. Albright, pp. 73-75.
41. Deut. 9:19
43. Deut. 9:28.
44. Gordis, pp. 59-60.
45. Baeck, p. 130.
48. Snaith, pp. 76-77.
53. McConville, p. 84.
54. McConville, p. 93.
55. Deut. 17:2.
56. Deut. 15:9. The previous verse implies that those in need require a loan to allow them to provide for themselves, not charity which may deprive the recipient of his dignity. Rashi says the indigent has a choice of a loan or gift "sufficient for his need but you are not commanded to make him wealthy." See Rashi, "Deuteronomy," *The Pentateuch and Rashi’s Commentary*, trans. Rabbi Abraham Ben Isaiah and Rabbi Benjamin Sharfman (Brooklyn: S.S. & R. Publishing Company, Inc., 1949), p. 144. S.R. Hirsch states that "it is God, in Whose Name every demand for help comes to us, and to deny paying sufficient attention to any such demand is equivalent to denying God and making money your idol." See Hirsch, p. 273. Correspondingly, restraint on the part of the indigent is also required: "When you go into another man’s vineyard, you may eat as many grapes as you wish to satisfy your hunger, but you are not to put any into your basket. When you go into another man’s standing corn, you may pluck ears to rub into your hands, but you may not put a sickle to his standing corn." Deut 23:24-25.
Nachmanides, Deut. 23:19.

Deut. 24:16. God's compassion is not reserved exclusively for the Israelites: "When you reap the harvest in your field and forget a swathe, do not go back to pick it up; it shall be left for the alien, the orphan, and the widow, in order that the Lord your God may bless you in all that you undertake. When you beat your olive-trees, do not strip them afterwards; what is left shall be for the alien, the orphan and the widow. When you gather the grapes from your vineyard, do not glean afterwards; what is left shall be for the alien, the orphan, and the widow. Remember that you were slaves in Egypt; that is why I command you to do this." Deut 24:19-22.

Deut. 20:8.

Deut. 24:5.


Hans Kohn, The Idea of Nationalism (New York: Macmillan, 1961), pp. 51-52. Isocrates states "the Aetolians, the Acarnanians, the Macedonians, men of the same speech, are united or disunited by trivial causes that arise from time to time; with aliens, with barbarians, all Greeks wage and will wage eternal war...; for they are enemies by the will of nature, which is eternal, and not from reasons which change from day to day." Cited in Kohn, footnote 17, p. 587.

Voegelin, p. 376.


Deut. 20:20.

It has been argued that this ban does not apply to foreign women who may become members of the covenantal community. The men are blamed, as their lack of compassion, and dominance, make them accountable for the sins of omission of the women who are subservient to them. Furthermore, the wars against Assyria and Babylonia have resulted in a mixture of peoples: therefore, Hirsch asserts that with conversion, intermarriage is now allowed and the deuteronomic exclusionary injunctions are void. See Hirsch, p. 459.

Deut. 2:12.

Deut. 3:3-6. Deuteronomy contains several references to the bloodiness of the occupation. It is beyond the scope of this essay to dwell extensively on how these texts are to be understood. However, the harshness of the passages needs to be kept in mind and juxtaposed to
the messages of compassions and justice in other parts of the text. A few points here need to be noted: first, Moses and the people never initiate genocide — they act on direct order from God; second, the peoples who are treated so violently are depicted as barbaric, without fear of God; and third, Bible scholars disagree over the historical accuracy of these passages, or, indeed, even if the occupation was as dramatic, and violent, as Deuteronomy indicates.

71. See Deut. 10:18-19 — God “secures justice for widows and orphans, and loves the alien who lives among you, giving him food and clothing. You too must love the alien, for you once lived as aliens in Egypt.”

72. Deut. 7:2.
73. Deut. 7:16.
77. Rashi, p. 179.
84. Deut. 4:6.
85. Deut. 4:9.
86. When God speaks to one generation, His words are to be taught to all generations: “You shall take these words of mine to heart and keep them in mind; you shall bind them as a sign on the hand and wear them as a phylactery on the forehead. Teach them to your children, and speak of them indoors and out of doors, when you lie down and when you rise. Write them up on the door-posts of your houses and on your gates.” (Deut. 11:18-20).
87. Deut. 6:2.
90. Louis Ginzberg, “Moses in the Wilderness,” Vol. 3, The Legends of

91. Deut. 5:9-10.


93. Whether the Monarchy is a consequence of God’s initiative, or man’s, see the discussion in Nachmanides, pp. 207-209.


99. Deut. 5:15.


103. Deut. 23:15.

105. *Shabbat* 33b, cited by Baron, pp. 9-10. To Rabbi Simon bar Yohai, we also attribute the statement that if the Messiah comes while one is planting a tree, he should finish the planting before greeting him.


111. Weinfeld, p. 284.

112. See Deut. 15:12 and Exodus 21:22.


114. Deut. 24:5.


116. Deut. 21:10-14. The traditional biblical attitude to war, normally God’s war, is secularized in the Book of Deuteronomy. Traditional priestly rituals of sanctification and purification prior to battle diminish, if not altogether disappear. In Exodus and Leviticus, little distinction is made between private and public law, human and divine law. All are transgressions of sacred law. No clear distinction between sin and crime exists. Deuteronomy, on the other hand, tends to ignore sacral violations, emphasizing offences against secular authority. Deuteronomy is more concerned with crimes than sin, more concerned with deterrence than sacred observance. For more detail, see Weinfeld, pp. 238-243.


120. Deut. 22:13-30. A similar argument is used by St. Augustine when he argues that the rape of Christian women by pagans does not violate their chastity. He states: I affirm, therefore, that in case of violent rape and of an unshaken intention not to yield unchaste consent, the crime is attributable only to the ravisher and not at all to the ravished. To my cogent argument to this affect, some may venture to take exception. Against these I maintain the truth that not only the souls of Christian women who have been forcibly violated during their captivity but also their bodies, remain holy.” St. Augustine, *City of God*, edited by Vernon J. Bourke, trans. by Gerald G. Walsh, Demetrius B. Zema, Grace Monahan and Daniel J. Honan (Garden City: Image Books, 1958), p. 53.

121. Michael P. Smith and Kenneth L. Deutsch, “Perspectives on

122. Deut. 10:16.

123. Nicholson, p. 46.


125. For example, the legal philosopher, Carl Friedrich, while acknowledging the seminal contribution of the Old Testament to Western civilization’s understanding of the law, still describes it in terms of “sanctimonious” and “pharisaism.” He states that “no sharper contrast can be imagined than the beatitudes of the Sermon on the Mount and the Curses of the Old Testament.” See Friedrich, p. 10. Eric Voegelin, in his discussion of prophecy, states that “the prophets were about to relegate Israel to a dead past by transferring the Kingdom of God into something which, at the time, was no more than the shooting lights of a new dawn on the horizon.” See Voegelin, p. 430. And “Christianity owed its chief debt to the Hebrews, but from the Old Testament it took over the Prophecy, not the law. In this connection, Eusebius maintained that the prophecies contained hidden secrets, ‘disguised,’ he said, because the Jews would have destroyed the writings if the predictions of their doom had been written plain. Moses was not so important to the Christians.” See Butterfield, p. 177. Finally — “Before the first captivity in Babylon, Judaism had been a growing, creative religion. Now the loss of political freedom brought a loss in religious freedom. As Israel fell back on the Law, the Law was made rigid, tight, and binding. The prophet gave way to the high priest and then to the annotator; the religious genius that had created the Old Testament was confined to the commentaries of the Talmud; then the Talmud, too, was closed. Moreover, the Law fixed the national role as a peculiar people. Their jealous God made them intolerant, their religious food laws made them unsociable.” See Herbert J. Miller, The Uses of the Past (New York: Oxford University Press, 1952), p. 97.


128. Deut. 6:18.

129. Elazar, “Covenant as the Basis of the Jewish Political Tradition,” pp. 46-48. The appropriate word is “hearken,” not obey. Implicit in this distinction is that “hearkening implies choice rather than compulsion, consent rather than blind obedience. In hearkening a person hears and chooses to respond; he is not simply forced to obey. Moreover, hearkening is a dynamic term, reflecting a continuing process of


133. Glueck, pp. 2-3.


137. McConville, p. 38.


139. Wellhausen, p. 412.

140. Baron, p. 48.


143. Oakeshott, p. 5.


147. Voegelin, p. 373.