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Deuteronomy And The City: Characteristics Of The Ideal Urban Environment In Deuteronomy

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DEUTERONOMY AND THE CITY:
CHARACTERISTICS OF THE IDEAL URBAN ENVIRONMENT IN
DEUTERONOMY

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Introduction

Deuteronomy presents itself as a set of addresses by Moses to the nation of Israel just prior to entering the Promised Land. Though to this point in the narrative Israel has been a nation of wanderers in the wilderness between Egypt and Canaan, she is now to cross the Jordan and take possession of her inheritance. Deuteronomy imagines a future for her which is decidedly urban; the act of settlement is described as taking possession of “large and good cities which you did not build” (Deut. 6:10).¹

Deuteronomy prescribes a social, religious, and economic life for Israel which it considers to be ideal. This ideal is expressed in a number of fields: worship, sexual ethics, leadership, warfare, diet, and so forth. Deuteronomy never devotes discrete space to fleshing out an ideal for urban life. Rather, it assumes the city will be the context in which Israel shall abide by its legislation.

The purpose of the present paper is to construct Deuteronomy’s ideal for urban living. This project thus lies at the intersection of two fields of study. One is the study of Deuteronomy—its composition, text, and theology. Second is the study of preindustrial urbanism. The two overlap at Deuteronomy’s vision for the city. So we are asking: What is Deuteronomy’s ideal vision for Israel’s life within the phenomenon known as preindustrial urbanism? How does Deuteronomy want cities to function?

1. All translations of the biblical text are my own.

In Chapter 1, I will briefly survey the history of scholarship on preindustrial urbanism in order to come to my own working definition of a city. A city is not merely a large number of people, a densely packed community, or even a community surrounded by a wall. It is characterized by a cluster of features, all of which are necessary for a settlement to be considered a city.

I turn to Deuteronomy in Chapter 2, which focuses on demonstrating that Deuteronomy is a product of Israel's monarchic period. I will show that this period, which is thoroughly urbanized, gave rise to at least Deuteronomy 1-32. Since Deuteronomy's composition dates to the 8th-7th centuries BCE, its ideal for urban life is itself an urban product and is neither a pre-urban construction nor ignorant of urban life.

Chapter 3 is the chapter in which I deal with specific texts in Deuteronomy and inquire about their vision for urban life. These texts are organized around five features of the city that I articulate in the first chapter: government, specialized occupations, the management of surplus food, the negotiation of relationships between kinship groups, and the physical structures which comprise the city. I also treat Deut. 6:10-14, which warns the people about the dangers of pride and forgetfulness to which urban living contributes. Under each of these headings, my analyses of the individual texts are brought together into a few conclusions.

Finally, in Chapter 4, I take the conclusions which were drawn throughout the third chapter and attempt to synthesize them into a single, coherent vision of urban life.

Chapter 1: Defining the City

What exactly is a city, and how is a city different from the village or countryside? That the two environments differ radically seems obvious, but quantifying the differences between them is more challenging.

The Hebrew word for city (עִיר) appears over a thousand times in the Hebrew Bible. It is probably cognate to a Ugaritic root meaning “to protect” and in its most general sense refers to a settlement surrounded by a wall.² Nevertheless the usage of עִיר in the Hebrew Bible is so variegated that J. Andrew Dearman could say the word refers to “almost any settlement.”³ It is the normal usage of the word, however, to label permanent settlements fortified with a wall. This does not mean the word “city” is merely an architectural designation—as though any settlement is only a wall away from being called an עִיר. The word “city” is a sociological, economic, cultural, and religious designation, and the construction of a wall indicates and contributes to a shift in the ethos of the community. So what exactly is a city if not simply an enclosed community? What elements of the governance, industry, and culture of a city set it apart from a village or a nomadic community?

2. Frank S. Frick, *The City in Ancient Israel* (Missoula, MT: Scholars Press, 1977), 29-30; Don C. Benjamin, *Deuteronomy and City Life* (Lanham, MD: University Press of America, 1983), 4.

3. J. Andrew Dearman, “City,” in *New Interpreter’s Dictionary of the Bible*, v. 1 (Nashville, TN: Abingdon, 2006), 671.

The task of this chapter is to come to a thoroughgoing definition of the city. It is important to note here that I am not trying to articulate a definition of עיר. In the end, this whole project is about constructing Deuteronomy's vision for urban life, and this Hebrew word is ultimately too pliable for this purpose. For example, in Lev. 25:29-31 we learn that a house sold within the walls of an עיר is not released in the year of jubilee but a house sold in an unwalled חצר is released. The difference between the עיר and the חצר seems to be the presence of a wall. But in Deut. 3:5, Moses reminds the people that they conquered sixty cities from Og, both fortified cities (ערים בצורות) and unwalled cities (ערי הקרן).⁴ If the goal of this project were to construct Deuteronomy's vision of life in an עיר, then that vision could conceivably address every human settlement. The goal of this project is rather to focus on Deuteronomy's vision for something more narrow than the word עיר.

At the same time, it is safe to assume Deuteronomy knows nothing of settlements like Los Angeles, Chicago, Tokyo, or Sydney—millions of people in unwalled cities with suburbs, mass transportation, and so on. It is not appropriate to ask Deuteronomy to give a vision for life in the modern metropolis or to assume that Deuteronomy's vision for urban life would make the transition from the ancient world to the modern world smoothly.

What I am after in this project is rather a middle-ground between the vast semantic domain of the עיר to the left and the anachronistic metropolis to the right. I am

4. Literally, "cities of the open region." The contrast made in Deut. 3:5 makes clear that the latter cities are unwalled.

not looking for Deuteronomy's vision for either of these. Rather, I find the middle ground in what sociologists have dubbed the preindustrial city. When I ask what Deuteronomy's vision for the city is, I am asking about the preindustrial city—not the vague עִיר and not the industrialized metropolplex.

Again the task of this chapter is to come to a thoroughgoing definition of the (preindustrial) city. To do this, I will first summarize the work of sociologists and biblical scholars who have thought about such a definition before me. Then I will nuance my definition in light of the recent deconstruction of the notion of a rural-urban dichotomy in the preindustrial world.

Toward a Definition of the Preindustrial City

Sociologists have long recognized a distinction between preindustrial and industrial cities.⁵ After the industrial revolution of the nineteenth century, urban industry infiltrated the lives of those beyond the boundaries of the city with regard to medicine, processed foods, clothing, music, tools, art, and more.⁶ Cities grew larger than ever before, and rural areas began to decline rapidly in population and influence. The present work recognizes this dramatic shift in urban life and seeks a definition and understanding only of preindustrial cities.

In the preindustrial world, what made a city? No definition has yet attained any

5. Ben D. Nefzger, "The Sociology of Preindustrial Cities," in *Every City shall be Forsaken': Urbanism and Prophecy in Ancient Israel and the Near East*, ed. Lester L. Grabbe and Robert D. Hack, JSOT 330 (Sheffield, England: Sheffield Academic Press, 2001), 160.

6. Nels Anderson, "Aspects of Urbanism and Urbanization," in *Urbanism and Urbanization*, ed. Nels Anderson (Leiden: Brill, 1964), 2.

consensus. Mason Hammond, in his volume entitled *The City in the Ancient World*, provides a useful overview of the disagreement about the origins of the city in human civilization:

No generally satisfactory or agreed-upon definition of the city seems to have been presented in the many books written on both the origins of the city and its modern forms. Some hold that the essential characteristic of an emergent city was that it served as a religio-cultural center; some feel that it represented the transition from the organization of the community along lines of kinship to one along lines of social or economic classes; some find its functional differentiation in its development as an economic center for the gathering and distribution of goods; others focus of [sic] political or military power.⁷

It has become increasingly clear that no single factor can serve as the sole defining characteristic of the city; it is defined rather by a cluster of factors.

The seminal attempt at defining this cluster of factors came from the pen of V. Gordon Childe in 1950. Childe proposed ten “rather abstract criteria” that distinguished the earliest cities from villages: (1) a larger and more dense population; (2) some residents working in occupations not directly related to the production and processing of foodstuffs and who are supported by the surplus produced by agricultural workers; (3) the presence of taxation and capital accumulation; (4) the presence of monumental public buildings such as granaries or temples; (5) a ruling class which is supported by the surplus; (6) the use of writing and numerical notation; (7) the acquisition of certain sciences such as arithmetic, geometry, and astronomy; (8) more advanced art; (9) dependence on trade for necessities; and (10) membership in the community being based

7. Mason Hammond, *The City in the Ancient World* (Cambridge, MA: Harvard University, 1972), 6-7.

on residence rather than kinship.⁸

Many of these ten features contribute to or derive from a surplus of food. The city is larger than the village because multiple families have banded together for the purpose of pooling and defending resources. Non-agricultural specialists such as smiths and scribes became a necessity in order to fabricate tools and manage the harvested crops. Writing is a necessary development for the management and allocation of food. These specialists, who otherwise have no claim to the food produced, are supported through taxation. The food is stored in public buildings. The ruling class is responsible for extracting the food from the farmer and distributing it within the community.

Twenty years after Childe, Hammond produced *The City in the Ancient World* in which he surveyed the emergence and development of the city from Sumer to the medieval period. As he sought to articulate a definition of the city, Hammond leaned on Childe's work—retaining some of his ten features, adapting a few, and dismissing others altogether. Hammond agreed that all ten of Childe's urban features are present in cities, but he questioned whether they were constitutive of the city or if they were merely inevitable by-products of urban life. For example, Hammond believed Childe was correct that urban centers have stronger emphases in art than non-urban communities or that they trade for necessities, but he argued that advanced art and trade do not constitute a city.

For Hammond, a city is still defined by a cluster of factors, but he identified a different cluster than Childe. He agreed that a city is more densely populated than non-

8. V. Gordon Childe, "The Urban Revolution," *Town Planning Review* 21, no. 1 (April 1950): 9,11-15.

urban communities, but allowed that it may have a relatively small population.⁹ A city is ruled by a single government, and some residents work in non-agricultural occupations.¹⁰ He also contributed two new ideas for understanding the preindustrial city. First, cities do not merely *have* buildings but *are* buildings. A city is not simply the people who live there, but the physical structures—often including a surrounding wall—in which the residents live and work.¹¹

Second, the city influences and preferably controls more arable land than is necessary for its own subsistence.¹² This is important for two reasons. First, it means the boundary of the city is not the wall but the end of the hinterland the city uses for food production. Second, whereas a village controls enough land to produce the food needed for subsistence farming, a city controls more than enough land. It is this surplus of land which yields the surplus of food, and, as we have seen, the surplus of food yields specialists, a need for writing, a ruling class, and taxation.

Five years after Hammond, Frank S. Frick published *The City in Ancient Israel*, a revised version of his doctoral dissertation. Frick essentially adopted Hammond's view of

9. For example, Beersheba is called a city (עִיר) in Gen. 26:33, but archaeological evidence suggests it had a population of roughly 300-500 people in Iron II; Ze'ev Herzog, "Beersheba," in *The Oxford Encyclopedia of Archaeology in the Near East: Volume I*, ed. Eric M. Meyers (New York: Oxford, 1997).

10. Hammond, 7-8.

11. An analogy might be the word "church" in common English. Despite the insistence that the church is the people rather than the building, for most English-speakers the word "church" refers first of all to the physical building and only secondarily to the people.

12. Hammond, 8.

the city, but he emphasized that in the biblical texts cities always have walls. Frick was only interested in the biblical concept of the city, whereas Hammond had defined the city broadly enough to encompass sites outside of Canaan. For Frick, the existence of a surrounding wall was just as constitutive of a biblical preindustrial city as occupational specialists or population density. This meant that often “the city in the OT is not so much a place of residence as a fortified place of refuge.”¹³

In 2001, sociologist Ben D. Nefzger published an essay titled, “The Sociology of Preindustrial Cities,” in which he argued that urban life contributes to the development of subcultures and an increased number of social and personality disorders. He defined the city concisely as “a collection of people and buildings, large for its time and place, characterized by a division of labor, *social diversity*, distinctive activities, and a way of life.”¹⁴ Most important for Nefzger’s hypothesis was that the city is marked by heterogeneity. Specifically, the preindustrial city is a composite of multiple extended families. While this had been recognized more than a century earlier,¹⁵ the importance of the multiple-family nature of cities had not been emphasized or articulated by Childe, Hammond, or Frick as constitutive.

13. Frick, 11. I have argued above that the word עִיר usually but not always suggests a wall. However, Frick is not interested in a comprehensive definition of עִיר; he is interested in fortified settlements—the dominant referent of עִיר.

14. Nefzger, 160, emphasis added.

15. Nima Denis Fustel de Coulanges (*La cité antique*) made the case in 1882 that cities began when multiple families came together, each family bringing its own family hearth religion. Fustel de Coulanges argued that the city was thus born as a melting pot of family hearths and should be defined along the lines of a central cult. While this argument has not stood the test of time, his recognition that cities are comprised of multiple kinship groups has remained influential; cited in Frick, 4.

For the purposes of this study, I understand a city to be:

a dense community of multiple kinship groups with a shared government and their complex of buildings and homes, surrounded by a wall, which controls more land than is necessary for its own subsistence and in which at least some members work in occupations not directly related to the production and processing of foodstuffs.

Like the working definitions of Childe, Hammond, Frick, and Nefzger, my definition is also a cluster of characteristics. It will be useful moving forward to have itemized the constitutive features of the preindustrial city: (1) a city is comprised of multiple kinship groups living in close proximity; (2) a city is governed by designated officials executing a shared law as opposed to each family being a law unto themselves; (3) a city is also comprised of physical structures, including a wall; (4) a city controls more land than necessary and so produces a surplus of food; and (5) some residents work in non-agricultural specialties.

This definition holds true for most uses of עִיר in the Hebrew Bible, but once again, I am not asking in this paper what Deuteronomy's vision for life in an עִיר is, but rather what Deuteronomy's vision is for life in the preindustrial city as I have defined it here. We will return to this in chapter 3. For now, the definition I have provided needs to be nuanced a bit further.

On the Rural-Urban Dichotomy

It has often been assumed that the Hebrew Bible, and Deuteronomy in particular, idealizes a lifestyle which is nomadic and decidedly non-urban.¹⁶ In this view, there is a

16. According to Benjamin (40), this view was popular during the nineteenth century concerning the Near East generally. The first to apply it to biblical studies was

strong dichotomy between the city and the countryside, and the city is regarded as an inferior way of being-in-the-world. In Deuteronomy, this preference for nomadism is found in certain practices which would keep Israel “on the move,” preserving her wilderness nomadism even if only symbolically.

The nomadic ideal rests on the assumption of a rural-urban dichotomy, a dualism savagely criticized by Gideon Sjoberg in his seminal work *The Preindustrial City*.¹⁷ Sjoberg argued that the dichotomy between city and countryside became possible only after the industrial revolution in the mid-19th century. In the preindustrial period, the city and country were a single economic, religious, and social unit.

I have already noted that the city controls more land than is necessary for its own subsistence. This land, which is owned and worked by residents within the city walls, should also be considered part of the city. As the city population grows and demand for food increases, some farmers must move outside the wall to a new settlement (called a “daughter” village/city). The farmers working this land are still taxed by the mother city, the land still belongs to the mother city, and the farmer is still a citizen of the mother city. When shepherds are semi-nomadic and do not farm a particular plot of land, they still depend on the farmer for vegetables and the urban specialist for tools; shepherds too are part of the urban ecosystem, bound to live within the grasp of the city.¹⁸

Karl Budde (“Nomadic Ideal in the Old Testament,” *New World* 4 [1985]: 726-45), but the nomadic ideal was popularized by John W. Flight (“Nomadic Idea and Ideal in the OT,” *JBL* 42 [1923]: 158-226).

17. Gideon Sjoberg, *The Preindustrial City* (Glencoe, IL: Free Press, 1960).

18. A useful detailed overview of this material can be found in Frick, 91-96.

To live in a daughter village is still to be part of the mother city's ecosystem. When the mother city forms such new settlements to house her residents and so controls and taxes the daughter villages, the mother city has become a capital of what is now a state. Put differently, when one city is subordinate to another city, there are multiple layers of government—what we might call “local” and “federal” in the American idiom. For example, the city of Lachish has two layers of government: at the local level, she has elders and judges, but her citizens are also subject to the king and central cult in Jerusalem. In one sense, Lachish is a satellite settlement of Jerusalem because they have a shared government, interdependent economy, and common law. But in another sense, Lachish is its own city—it has its own kinship groups, its own land that it farms, and a shared local government.

Our definition of the city should be nuanced accordingly. The city is not merely comprised of the buildings and residents within the walls. The city also includes the shepherds and farmers who live beyond the walls in daughter villages, and it is the fields which supply the demands of the single government. That is, when we talk about the preindustrial city, we are not talking about the city over against the countryside, but over against a pre-urban existence.

By the period of Israel's monarchy, the Levant was apparently entirely urbanized in this way. Non-urban life had seemingly disappeared and been replaced with degrees of proximity to the mother city. And as I intend to show in chapter 2, it was during this period that the book of Deuteronomy emerged.

Chapter 2: Deuteronomy as an Urban Document

Until the 19th century, nearly all scholars believed Deuteronomy to be almost entirely written by Moses prior to the settlement of Canaan—a position still held by some conservative scholars.¹ This belief meant Deuteronomy was a product of a nomadic culture that was suspicious of or even hostile toward settled, urban life. But in the last two hundred years, scholarship has relocated the composition of Deuteronomy to much later in Israel's history, so that it is now believed to be the work of urbanites.² This challenges long-held assumptions about Deuteronomy's negative posture toward the institution of the city.

The task of this second chapter is to determine the degree to which Deuteronomy is an urban product. If Deuteronomy was not composed in the badlands east of the Jordan within a community which had never lived in permanent settlements but was instead composed after Israel had settled the land, then Deuteronomy is not ignorant of city life. The city will not be naively romanticized as the pinnacle of human innovation, nor will it be an evil to be resisted at all costs; rather, Deuteronomy simply assumes an urban

1. For one example of a commentator who holds to Mosaic authorship, see Daniel I. Block, *Deuteronomy* (Grand Rapids: Zondervan, 2012), 25-33.

2. Examples of such scholars abound. For instance, see J. A. Thompson, *Deuteronomy*, TOTC (Downer's Grove, IL: InterVarsity Press, 1974), 68; Richard Clifford, *Deuteronomy*, OTM 4 (Wilmington, DE: Michael Glazier, Inc., 1989), 5-6; Ronald E. Clements, "The Book of Deuteronomy," in *NIB*, v. 2 (Nashville: Abingdon Press, 1998), 278-280.

environment in its legislation. It is my contention that Deuteronomy is a product of the monarchic period, and in this chapter I will articulate my understanding of Deuteronomy's composition history.

Those who challenge traditional Mosaic authorship for Deuteronomy typically begin with Josiah's discovery of the Book of the Law. In 2 Kgs. 22:8, King Josiah of Judah had been renovating the temple in Jerusalem when the high priest Hilkiah discovered the "Book of the Law." When the book was presented to Josiah, he set out on a reformation project throughout the kingdom, destroying idols and their paraphernalia and reinstating Passover. Based on the chronology present in 2 Kings, these reforms are dated to the year 622 BCE (i.e., the 18th year of Josiah's reign, 2 Kgs. 22:3).

It has long been agreed that the Book of the Law discovered during Josiah's regency was some form of the book of Deuteronomy. Athanasius, Chrysostom, Jerome, and Theodoret all contended as much.³ A primary reason for this is that Josiah's reforms detailed in 2 Kings 23 align neatly with Deuteronomic ideals and verbiage. These church fathers agreed that Josiah's book was some version of Deuteronomy, but they certainly did not anticipate the critical suggestion Wilhelm Martin Leberecht de Wette would make hundreds of years later.

In 1805, W. M. L. de Wette went beyond this consensus that Deuteronomy was Josiah's lost book; he suggested that Deuteronomy had actually been *composed* during

3. Dominik Markl ("No Future without Moses," *JBL* 133, no. 4 (2014): 716, n. 19) cites the work of Cornelius a Lapide (*Commentarius in Iosue, Iudicum, Ruth, IV. libros Regum et II. Paralipomenon*, ed. J. M. Peronne [Paris: L. Vivés, 1866; orig. 1664]). See also Jack R. Lundbom, *Deuteronomy: A Commentary* (Grand Rapids: William B. Eerdmans, 2013), 6.

the reign of Josiah just prior to the reform movement and cult centralization.⁴ This thesis received widespread acceptance. Eight decades after the publication of de Wette's hypothesis, Julius Wellhausen modified this new view of Deuteronomy's origins.⁵ Unconvinced that the book discovered by Josiah could have contained all the material in our canonical Deuteronomy, Wellhausen proposed that this "Book of the Law" contained only chapters 12-26. This first edition of the book (called Proto-Deuteronomy) was supplemented, in his view, by chapters 5-11 at a later date; chapters 5-26 were then supplemented again by chapters 1-4 at an even later date. Thus, Wellhausen believed Deuteronomy was not simply a product of the Josianic period; rather, he believed it to have a Josianic nucleus with at least two other redactional layers.

Only a few years after Wellhausen published his thesis, S. R. Driver argued on linguistic grounds that Proto-Deuteronomy included chapters 5-26 in a single redactional layer.⁶ On the same linguistic grounds, Driver saw no reason to attribute chapters 1-4 to a different author either.⁷ Although he allowed for two superscriptions (1:1-5 and 4:44-49) to be the work of a later hand, Driver's proposal was that Proto-Deuteronomy—the "Book of the Law" discovered in the temple—was our Deuteronomy 1-26.

4. Wilhelm Martin Leberecht de Wette, "Dissertatio critica qua a prioribus deuteronomium pentateuchi libris diversum, alius cuiusdam recentioris auctoris opus esse monstratur," in *Opuscula theologica* (Berlin: Reimerum, 1830; orig. 1805), 149-168.

5. Lundbom, *Deuteronomy*, 6-7. Julius Wellhausen, *Prolegomena to the History of Ancient Israel*, 2nd ed. (New York: Meridian, 1957); reprint of *Prolegomena zur Geschichte Israels*, 2nd ed. (Berlin: Reimer, 1883; orig. 1878).

6. S. R. Driver, *A Critical and Exegetical Commentary on Deuteronomy*, ICC (Edinburgh: T & T Clark, 1895), lxxv-lxxvii.

7. *Ibid.*, lxxvii-lxxii.

De Wette's original hypothesis that Deuteronomy was composed immediately prior to its discovery in 622 has since been broadly rejected.⁸ Josiah ascended the throne in 640, and the eighteen years between his coronation and the great discovery is regarded as too short a period to give birth to such a colossal work, particularly if we allow that the book was genuinely lost for any appreciable length of time. One could push the composition of Proto-Deuteronomy back into the reign of Manasseh (r. 687-642 BCE), but it is hard to imagine Deuteronomy emerging—let alone surviving—during the reign of that notorious king. For this reason, the composition is pushed back still further into the reign of Hezekiah (r. 715-687 BCE).⁹ Hezekiah carried out a reform between 712 and 701 (2 Kgs. 18:4) that, although short-lived, endured long enough for Proto-Deuteronomy to be written. Jack R. Lundbom summarizes the state of current scholarship on the matter:

Most current scholars state their views on the composition of Deuteronomy in general terms, usually content to say that the book was written in the seventh century, or between the reigns of Hezekiah and Josiah. It is difficult to be more precise when we do not know more.¹⁰

Lundbom goes on to make an intriguing suggestion. He stands in the tradition of William Albright who was more optimistic about the historical reliability of the

8. For one example of a commentator who maintains a version of de Wette's hypothesis, see Clements, 278-280. Clements believes it originates in the Josianic period and is redacted after the exile. Though some have argued that the Book of the Law was composed in order to initiate or bolster the Josianic reforms, the composition of the Book has been pushed back a few generations for the reasons I lay out below. For an example of someone who argues the "discovery" was composed to legitimate the Josianic reforms, see Nadav Na'aman, "The 'Discovered Book' and the Legitimation of Josiah's Reform," *JBL* 130, no. 1 (Spring 2011): 61.

9. Clifford, 6; Thompson 67-68.

10. Lundbom, 13.

Chronicler than Wellhausen had been. Two of Albright's students, Frank M. Cross and David Noel Freedman, pointed out that the Chronicler's chronology around the time of Josiah squares better with Assyrian records than does the chronology of 2 Kings.¹¹ Building on the work of Cross and Freedman, Lundbom argued that the Chronicler's account of the Josianic reforms should receive priority over that of the Deuteronomic Historian.¹² According to 2 Chr. 34:3, Josiah began his reforms in the twelfth year of his reign (628 BCE). Six years later, Hilkiah makes the great discovery in the temple, leading Josiah to make a second wave of reforms (2 Chr. 34:8-33). So where Josiah has only one reform movement in Kings (in response to the discovery), Chronicles has him making two reforms (one before the discovery and one after). The cleansing narrated in Kings aligns better with the earlier of Chronicles' two reforms.

Lundbom's theory is that Josiah already has Proto-Deuteronomy in hand by 628 BCE and institutes the first wave of reforms (2 Chr. 34:3-7), and that the discovery made in 622 BCE is only the Song of Moses (Deuteronomy 32). It is the Song of Moses, together with the destruction oracle uttered by the prophetess Huldah (2 Kgs. 22:15-20), which prompts the second wave of reforms (2 Chronicles 35).

There are two reasons for identifying the temple discovery with the Song of Moses rather than Proto-Deuteronomy. First, Huldah's oracle in response to the discovery

11. Frank M. Cross Jr. and David Noel Freedman, "Josiah's Revolt against Assyria," *JNES* 12, no. 1 (January 1953): 56-58.

12. Jack R. Lundbom, "The Lawbook of the Josianic Reform," *CBQ* 38, no. 3 (July 1976): 293-302.

shows close, unique literary connections to two stanzas of the Song.¹³ Second, the same phrase is used to describe both the discovery in 2 Kgs. 22:8 (“And Hilkiyah the high priest said to Shaphan the scribe, ‘I have found the Book of the Law [סֵפֶר הַתּוֹרָה] in the house of Yahweh’”) and to label the Song of Moses in Deut. 31:26 (“Take this Book of the Law [סֵפֶר הַתּוֹרָה] and place it beside the ark of the covenant of Yahweh your God”).

One might think that סֵפֶר הַתּוֹרָה in Deut. 31:26 refers to the whole Deuteronomic code, but I accept Lundbom’s hypothesis that it only refers to the Song of Moses. In v. 24, Moses is said to write the “words of this law” (דְּבָרֵי הַתּוֹרָה־הַזֹּאת) in a book. Then in v. 26 he commands that this “book of the law” (סֵפֶר הַתּוֹרָה) be placed beside the ark. He then gathers the elders in v. 28 so that he may speak to them the words of that book (הַדְּבָרִים הַהֵאֵלָה). Once the elders are gathered to hear the words of the סֵפֶר הַתּוֹרָה, in v. 31 Moses speaks the “words of this song” (דְּבָרֵי הַשִּׁירָה הַזֹּאת). What follows is the Song of Moses from 32:1-43. In 32:44-46, we are told that Moses recited the “words of this song” (דְּבָרֵי הַשִּׁירָה הַזֹּאת) and that when he had finished speaking these words (הַדְּבָרִים הַהֵאֵלָה), he warned them to do all the “words of this law” (דְּבָרֵי הַתּוֹרָה־הַזֹּאת). Thus, the סֵפֶר הַתּוֹרָה contains the “words of this law,” which are also called “words of this song.” The Song of Moses, and only the Song of Moses, is the referent of the phrase “Book of the Law,” and it is this term which labels the document discovered by Hilkiyah.¹⁴ This paper accepts Lundbom’s hypothesis with the recognition that the Song of Moses is not necessarily *composed* during Josiah’s regency, but is merely appended to Proto-Deuteronomy after its

13. These literary connections are detailed in Lundbom, *Deuteronomy*, 13-15.

14. This chiasmic frame for the Song is laid out skillfully in Lundbom, *Deuteronomy*, 15-16.

discovery.

Following Lundbom then, we are left still with three layers to Deuteronomy: Proto-Deuteronomy, which consists of chapters 1-28 and dates to the period of Hezekiah's reforms (c. 711-701 BCE); a first supplement consisting of chapters 29-30, which emerges after the siege of Jerusalem in 701 but before the ascension of Josiah in 640; and a second supplement consisting of chapters 31-34. Chapter 32, which may date to the pre-monarchic period, is integrated into Deuteronomy during the Josianic period.¹⁵ Deuteronomy, now complete, funds the Deuteronomic History, which is composed during the exile.

So is Deuteronomy a product of the monarchical period? Yes. Standing with Lundbom, I assert that Deuteronomy reaches its final form in the late seventh century, while its core legislation dates to a hundred years earlier in the monarchy. Regardless of how Israel came to be settled—whether by Noth's hypothesis of peaceful migration, Mendenhall's theory of peasant revolt, a traditional model of violent conquest, or some combination of the three—by the reign of Hezekiah, Israel was thoroughly urbanized. It was urban in the sense that all residents of Israel were part of an urban ecosystem in that they were expected to pay taxes, they submitted to authorities who were not necessarily their kin, and they lived on land used for food production for urban centers. To put the matter simply: *Deuteronomy emerged during a period in which Israel had no non-urban existence.*

15. Ibid., 25.

Chapter 3: Deuteronomy's Vision for the City

I have shown so far that Deuteronomy is the product of a thoroughly urbanized environment. By the time Deuteronomy was composed, and certainly by the time it reached its received form, all Israel lived within the urban ecosystem of one city or another. I have also defined what I mean by the word “city” back in chapter 1. I will remind us of that definition here. A city is

a dense community of multiple kinship groups with a shared government and their complex of buildings and homes, surrounded by a wall, which controls more land than is necessary for its own subsistence and in which at least some members work in occupations not directly related to the production and processing of foodstuffs.

I also showed that those who live beyond the walls of the city are still ruled by the city's government, still pay taxes into the city, and have a mutually dependent relationship with those within the walls. In this manner, the “city” extends beyond its own walls to all the people, territory, and structures within its domain.

I now come to the main task of this paper, namely to articulate Deuteronomy's vision for city. What happens when the city operates as Deuteronomy wants it to operate? In one sense, this includes all the legislative material in Deuteronomy. If every Israelite is an urbanite, then every command is to be kept in the city. But not all legislative material pertains to the city *qua* city.

For example, idolatry is forbidden in Deut. 4:15-31. While it is true that an ideal

city will not practice idolatry, idolatry is forbidden whether one lives in the city or as a hermit. If I include all legislation that is applicable in the city, this paper would become too broad to be useful. Instead, I will focus on the legislation that pertains to urban Israel *in their capacity as urbanites*. This narrows the scope of the paper considerably.

As an organizing principle for this chapter, I will focus on the features of the city itemized in chapter 1 by looking at five types of texts: those which pertain to (1) the city's shared government, (2) occupational specialization, (3) surplus management, (4) relationships between multiple kinship groups, and (5) physical structures, including the wall. After these five types of texts, I will look finally at Deuteronomy's warnings to urbanites about the dangers of city life.

Shared Government

For a settlement to be considered a city as I have defined it, the families who are living together in the settlement must share a common government. If each family has its own laws and customs and acknowledges only its own patriarch as an authority, the settlement is not a city. Instead, the multiple families must have a designated authority figure or figures to whom everyone is obliged to submit. Deuteronomy envisions five such loci of authority: local elders, local judges, the central court, the king, and Torah itself. Each of these relates to the city in slightly different ways.

Local Elders

There are two types of elders in Deuteronomy. There are the elders of Israel mentioned in the narrative prologue (1:9-18), and there are local city elders in the

legislative body of the text.¹ I am concerned here only with the local city elders. City elders were not simply the oldest men in the village. Timothy Willis has shown that city elders were the men best fit to perform certain functions within the community.² These functions are articulated in five passages: 19:1-13; 21:1-9, 18-21; 22:13-21; and 25:5-10. The function of the elders in each of these passages is essentially judicial.

The first passage, Deut. 19:1-13, is a command to establish cities of refuge for manslayers. Verse 12 tells us that in the event a *bona fide* murderer attempts to seek refuge in one of these cities, then the elders of the city where the murderer lives “shall send for him and take him from there and give him into the hand of the avenger of blood.” It is their job to ensure the cities of refuge are not misused, that murder is dealt with, and that victims of murder are avenged. However, it is not the elders’ job personally to avenge the victim; their function is judicial but not executive.³

The second passage, Deut. 21:1-9, provides instructions for atoning for unsolved murders. In the event that a dead body is discovered, the elders of the surrounding cities (together with the judges, on whom see below) are to come out to the body and measure to find which of their cities is closest. The elders of the closest city provide a new heifer and break her neck in an unplowed valley (i.e., outside the territory of the city—in the wilderness).⁴ This ritual, along with washing hands and a formulaic prayer, act as a

1. Timothy Willis, *The Elders of the City*, SBL 55 (Atlanta, GA: SBL, 2001), ix.

2. Willis, 12. Lundbom (*Deuteronomy*, 301) asserts that elders were men who were advanced in age, but admits that they functioned as adjudicators of criminal cases.

3. As noted by Thompson, 215.

4. Lundbom (*Deuteronomy*, 593) gives a helpful overview of the various

means of atonement for their city.⁵ In this way the elders function as representatives and mediators, the presence of the priests notwithstanding (21:5).

In the third passage, Deut. 21:18-21, the parents of a rebellious son are commanded to bring their son before the elders and declare him rebellious.⁶ The issue here is that he has refused to listen to his parents' correction—a violation of the fifth commandment (cf. Deut. 5:16, which commands one to honor one's mother and father “in order that your days may be long”).⁷ It would seem that the parents do not hold the right to execution without the approval of the elders; the power of life and death resides with the elders, pending the consent of the parents.⁸ Execution is not performed by the elders, however, but by the “men of the city” (19:21). Here we see the elders functioning judicially, determining guilt and sentencing to death but not serving as executioners.

Fourth, Deut. 22:13-21 addresses a scenario in which a groom claims that his bride was not a virgin. The concern in this passage is not the sexual promiscuity *per se*; rather, the groom is charging his father-in-law with fraud. If the husband handed over a

interpretations of נַחַל אֵיָן, which is rendered in the ESV as “a valley with running water.” Additionally, David P. Wright has argued that the heifer is slain in the uncultivated area to transfer “bloodguilt from the inhabited land and the people to an innocuous locale”; “Deuteronomy 21:1-9 as a Rite of Elimination,” *CBQ* 49, no. 3 (1987): 394-395.

5. Apparently the bloodguilt falls upon the entire city when the murderer is unknown. This may suggest that bloodguilt is more of a psychological or sociological phenomenon than a legal or theological one.

6. Contra Block, 499, who claims that the parents “appear before the elders alone.”

7. Benjamin, 212.

8. *Ibid.*, 217. Lundbom (*Deuteronomy*, 606) understands the death penalty to be warranted because the son is now a danger to the larger community.

dowry only to discover his wife had been deflowered prior to the wedding, then the father-in-law has defrauded the husband and must return the bride price. However, if the parents are able to produce the evidence of their daughter's virginity, then the husband has attempted to reclaim the dowry and dishonored his wife's family for no reason—the husband has defrauded his wife's family.⁹ In the event a husband claims his wife was not a virgin, her parents bring the evidence of her virginity to the elders, exonerating her, and the elders discipline and fine the groom (22:18-19). If they are unable to bring such evidence, the men of the city are to execute the woman for her promiscuity. The elders once again are judicial figures—they judge and render a verdict, they discipline, and they fine, but they are not executioners.

The final passage in which local elders act as authorities is Deut. 25:5-10. In this passage, a widow whose brother-in-law refuses to take her in levirate marriage may go to the elders and charge him with failure to do his brotherly duty. The elders are to question the man, and if the charge is valid, the woman is to pull off the man's sandal and spit in his face.¹⁰ The purpose of this action is unclear, but the function of the elders is not.¹¹ The elders are clearly acting as adjudicators between the widow and her brother-in-law.¹²

9. That the charge here is one of fraud rather than of promiscuity is the argument of Benjamin, 223. Contrast this with Block, 522, who argues that the issue is maintaining stability in a kinship-based community now threatened by infidelity and divorce.

10. Lundbom (*Deuteronomy*, 710) believes the elders speak to the brother in an attempt to persuade him to take the widow.

11. Lundbom (*Ibid.*) says the action is designed to “dramatize the failure to perform a duty,” but Clifford, 134, sees it to mean that the ownership of the land (that is, the right to walk on it) has been transferred with the shoe.

12. Block calls the elders “the body responsible for applying Israel's laws”, 583.

Taken together, these five passages present a role for the elders that is essentially judicial. They are to hear complaints from the people in their community, ensure that justice is being done, oversee proceedings, and sentence guilty parties. They are never said to be executors or executioners, a task that typically falls to the men of the city. Only in the event of an unsolved murder do elders take on a role that is not primarily judicial; their role in that passage is representative and mediating. They act on behalf of their city.

In 2 Chr. 19:5, King Jehoshaphat appointed judges in all the fortified cities of Judah. There is some question as to the relationship between these royally-appointed figures and the local elders. Do these judges replace the elders, supersede them, or supplement them? We turn now to consider the function of the local judges in Deuteronomy's government.

Local Judges

The second locus of government in Deuteronomy is that of the city judges and officials. These men are installed in Deut. 16:18-20 which reads:

“You shall appoint [גִּבּוֹרִים] judges and officers for yourself in all your gates which Yahweh your god is giving to you, according to your tribes, and they shall judge the people with righteous justice [מִשְׁפָּטִים צְדָקָה]. You shall not pervert justice: you shall not regard faces [i.e., show partiality], and you shall not receive a bribe, for a bribe blinds the eyes of the wise and overthrows the words of the righteous. Righteousness [צְדָקָה]—it is righteousness you shall pursue so that you may live and inherit the land which Yahweh your god is giving to you.”

There are a few things to note about this passage. First, the judges are appointed by the people; they are not to be royally appointed. Jehoshaphat may have simply ignored this command when he personally appointed (עָמַד) judges in all his cities (2 Chr. 19:4-7), or

the Deuteronomy text may have been composed as a rebuke to Jehoshaphat's actions. Second, the function of the judges is to enforce "righteous justice" (Deut. 16:19), and that function can be subverted and justice perverted in two ways. Either the judge might "regard faces [לֹא תִכִּיר פָּנִים]" or he might receive a bribe. These are precisely the boundaries given by Jehoshaphat in 2 Chr. 19:7 where he warns his judges against partiality [מִשָּׂא פָּנִים] and bribery.

The stem שָׁפֵט appears in Deuteronomy eleven times. Two are in reference to the tribal elders appointed by the people at Sinai (Deut. 1:16). Twice the stem appears in the text at hand (Deut. 16:18). Another two are in regard to the next locus of authority I will consider, the judge at the place Yahweh will choose (Deut. 17:9,12). The remaining five uses will help articulate the function of the local judges.

In Deut. 19:17-18, we find that if two parties are in dispute they are to "appear before Yahweh, before the priests and before the judges,"¹³ and it is the responsibility of the judges to make inquisition to the matter and determine guilt. A similar function is in view in Deut. 25:1. All these texts suggest that the role of the judges is judicial—hearing complaints, overseeing proceedings, sentencing the guilty, and ensuring justice is done. It is difficult to see a distinction between judges and elders.¹⁴ This overlap is compounded

13. Lundbom (*Deuteronomy*, 573-574) says that "standing before Yahweh probably means standing before priests and judges who will decide the case at the central sanctuary" but also that there was "only one lay judge at the central sanctuary." The central court will be discussed below. Thompson, 217, agrees with Lundbom that this passage refers to the judicatory at the central shrine.

14. Lundbom (*Deuteronomy*, 520) understands that judges are distinguished from local elders in that the latter decide "local matters of a family and community nature." He is not clear what the judges' complementary jurisdiction is.

by the final use of the root שפט in Deut. 21:2, a text I have already considered above. In this text, the judges go with the local elders to the site of an unsolved murder and participate in the atoning ritual on behalf of their city. The judges and the elders work in tandem here, hardly distinguishable.¹⁵ The only significant distinction between local elders and local judges as far as I can tell is that elders become elders by virtue of their kinship, experience, and influence in the community but judges are appointed to an office either by the people (as in Deuteronomy) or by higher authority (such as Jehoshaphat).

Central Court

Local elders and local judges are the two types of authority figures who oversee their own city. The next authority figure has jurisdiction over the city but is not necessarily part of the city. The national judge, who is part of the central court along with priests, presides over all the cities of Israel from “the place Yahweh will choose.” The role of this judge is explained in Deut. 17:8-13, which says:

“If a matter needing justice should be too much [יִפְּלֵא] for you—whether one bloodshed or another, whether one cause or another, whether one wounding or another—a matter of lawsuit [דִּבְרֵי רִיבֹת] within your gates, you shall arise and go up to the place which Yahweh your god has chosen for himself. You shall come to the Levitical priests and to the judge who is around in those days, and you shall inquire of them, and they will tell you the judgment. And you shall act according to what they have told you from that place Yahweh will choose, and you shall be careful to do according to all which they show you. According to the words of the instruction [הַתּוֹרָה] which they will show you, and according to the judgment they will tell you, you shall do. You shall not turn from the matter which they declare to you to the right or the left. The man who acts proudly, not obeying the priest standing to minister there to Yahweh your god or the judge—that

15. Lundbom (*Deuteronomy*, 592) sees the elders as assisting the judges, thus recognizing a distinction between the two offices but also a close partnership.

man will die. Thus you shall purge the evil from Israel. And all the people will hear and fear and not act proudly again.”

Several items here deserve comment. First, there is only one national judge.¹⁶

Each city has its own local elders and local judge, but there is only one national judge in this passage (albeit working with his priestly colleagues).

Second, the national judge does not function as an appellate court for dissatisfied parties. In the words of Dean McBride, his function is, “like the Roman *juris consultus*, to issue authoritative directives regarding cases that local magistrates are unable to decide and bring before them.”¹⁷ In this way the national judge acts as Moses did toward the tribal elders in Deut. 1:17. The national judge has essentially the same task as the local judges but is supposed to have greater wisdom to handle more complex cases.¹⁸

Ultimately, however, his job is not to produce new laws but merely to interpret the

16. I have noted already that there is some question among the commentators as to the relationship between the local judges and the national judge. For example Thompson (203), in writing on Deuteronomy 17:8-13, makes the claim that “the central judicature consisted of several priests and judges” in light of the plurality of judges in 19:17. His understanding is that because the parties to a dispute in 19:17 appear “before Yahweh” and before the elders and judges, that the trial envisioned there must be at the central shrine. Thus 19:17 and 17:8-13 both envision the central shrine, the former with a plurality of national judges and the latter only mentioning one. By contrast, it is my view that 17:8-13 envisions the central shrine with a single national judge and that 19:17 envisions multiple local judges who are able to mediate the presence of Yahweh outside of the central shrine.

17. S. Dean McBride Jr., “Polity of the Covenant People,” *Interpretation* 41, no. 3 (1987): 241.

18. Block (410) makes an interesting suggestion. He suggests that if דרש is understood not as “investigate” but as “make inquiry,” then the judge (along with the priests) is to seek divine guidance for the case, such as with the Urim and Thummim. This reinforces his Moses-like role. His task of interpreting Torah remains the same, whether the judge consults Yahweh or exercises his own superior wisdom.

legislation of Deuteronomy—thus his words are called תִּוְרָה.

Third, the decision rendered by the national judge is called justice (דְּבַר הַמִּשְׁפָּט).

While the word מִשְׁפָּט can be glossed as *judgment*, *verdict*, or *decision*, in light of the nearby instructions for local judges that their מִשְׁפָּט not to be informed by bribery or partiality (16:19), it seems reasonable that the מִשְׁפָּט of the national judge would be similarly upright and equitable. It is his job to ensure justice, as defined by Deuteronomy, is done in the land.

The national judge resides at the central shrine, which in turn functions as the capital city. Local judges live and work within their jurisdiction, and they defer more complex cases to the capital. What this means for this study is that the national judge is part of the governmental structure of the city, even though he is not part of the city proper.

The King

Deuteronomy's ideal government structure requires these first three loci of authority—elders, local judges, and the central court—but it does not necessarily require a king. The kingly office is not assumed or required anywhere in Deuteronomy. However, Deuteronomy *allows* Israel to establish a king provided he abide by strict parameters. He must be a native Israelite, and he must not amass a standing military, accrue multiple wives for himself, make alliances with Egypt, or build a large personal estate (17:14-17). He is to write a copy of Deuteronomy for himself and read from it every day so that he will learn “to fear Yahweh his god—to keep all the matters of this instruction [תִּוְרָה] and

to do these statutes [חֻקִּים]” (17:18-19). Although the king is the only person in all of Deuteronomy who is said to *שמר* the תּוֹרָה, the common Israelite is commanded to *שמר* Yahweh’s commandments (מִצְוֹת; 4:2), statutes (חֻקֹּת; 6:2), and judgments (מִשְׁפָּטִים; 26:18). When the king is told to keep the תּוֹרָה, he is not being given any special judicial function; he is merely to be subject to תּוֹרָה like any other citizen.

The king does not have any legislative function either.¹⁹ And although he is not explicitly granted any judicial function, the emphasis on his need for familiarity with Torah implies that he has some responsibility for ensuring Deuteronomy is being enforced. The extent of his judicial function and whatever other rights and responsibilities he may have had are surprisingly unclear.

Torah

The fifth and final locus of authority is in Torah itself. What I have shown thus far is that local elders, local judges, the national judge, and the king are all subject to the authority of Torah and responsible for the proper execution of its decrees. That is, in Deuteronomy’s ideal, none of these government figures are responsible for or even permitted to develop new law. Deuteronomy presents itself as sufficient for governing the life of Israel, but recognizes that it will need to be interpreted, mediated, and enforced by designated agents. Even Moses does not act as legislator but only as interpreter (1:17).

Conclusions

Part of what it means to be a city is that the residents are subject to a shared

19. Lundbom, *Deuteronomy*, 541.

government. I have endeavored to show how that government is organized in Deuteronomy, namely through elders, local judges, the national judge, the king, and Torah. What does everything we have seen here mean for life in the city?

1. Torah is the highest authority in the city. Authority is attributed to elders, judges, and perhaps a king, either in a given city or above it in the capital. But the authority of all these figures is derivative; they are only interpreters and enforcers. Even the king is not above Torah or exempt from its demands. Deuteronomy's ideal is that the city would be governed by discerning men who will organize and operate the city on the basis of Deuteronomy's vision of justice, not their own.

2. Yahweh is the source of all authority for the city. As the author of this highest authority in the city (Deut. 5:5,22), Yahweh is the source of any and all authority. The king's authority, for example, derives from his contact with and stewardship of Torah, which gets its authority in turn from Yahweh. Elders, judges, and kings have authority in the city provided they are in right standing with Yahweh. That is, their sway in the community is not rooted in their office or function but in their obedience to and wise appropriation of Yahweh's Torah.

3. The city described in Deuteronomy is comprised of the covenant people. Deuteronomy is not prescribing a life for any human society but for Israel. The city is governed by Torah, which is expressed in Deuteronomy as the covenant Yahweh makes with Israel upon his delivering them from Egypt. Their corporate life in the city is to be a response to God's mighty acts for them (e.g., 6:10-15). Thus Deuteronomy does not envision a city life which can be copied and pasted to any city regardless of its history or

population; it envisions a city life which is characteristically Israelite.

4. *The whole city is the executive branch.* In each passage regarding the local elders, I noted that the elders serve as judicatories but never as executors. They hear cases, weigh evidence, and render decisions, but they do not execute violent sentences. Instead they hand murderers over to the blood avenger (19:11-12), and the men of the city stone the rebellious son (21:21) or the promiscuous bride (22:20-21). It is the responsibility of the community, not individual authority figures, to purge the evil from the community.²⁰ In this manner the community is self-regulative.

Occupational Specialization

A second feature of the preindustrial city is that “at least some members work in occupations not directly related to the production and processing of foodstuffs.” These members are known as specialists—be they blacksmiths, scribes, plumbers, accountants, veterinarians, doctors, or whatever. In order for a community to be a city as I have defined it, at least some of the residents must work in occupations other than farming or

20. The verb “to purge” (בער) appears in Deuteronomy a total of 13x, 11 of which are in the Piel 2nd person masculine singular. All eleven of these uses are in clauses such as “you shall purge the evil/bloodguilt from your midst,” including the ends of four of our passages on elders (19:13; 21:9, 21; 22:21). It is *you*—singular—who purges evil from the city.

The constant shift between second-singulars and second-plurals is a prominent feature of Deuteronomy’s rhetoric. Jeffrey Tigay sees the singular as addressing the individual and the plural as addressing the nation (*Deuteronomy*, JPSTC [Philadelphia: JPS, 1996], 62). I am inclined to agree with Lundbom (*Deuteronomy*, 10): “the singular ‘you’ perhaps addressing the people as a whole, and the plural ‘you’ addressing each person individually and emphatically (=‘each and every one of you’).”

If this is correct, the second-singular commands to purge the evil from the city are addressed to the entire community.

animal husbandry.

If we read Deuteronomy with this in mind, the first thing to notice is that specialization is relatively rare. In the modern city, specialization is the rule rather than the exception, as most citizens are involved in non-food-production occupations. It would be unusual to find a farmer, rancher, or shepherd living in downtown Denver or Atlanta. Instead, our cities are comprised almost exclusively of engineers, waiters, actors, academics, taxicab drivers, and so on. But in Deuteronomy, the general impression is that nearly all urban citizens are involved in food production and that specialization is the exception. For example, Deut. 14:22 instructs the reader to “surely tithe all the harvest of your seed which comes from the field year by year.” The reader/hearer is presumed to be involved in food production. Compare this to 18:1 which says, “There shall not be any portion or inheritance with Israel for the Levitical priests, any of the tribe of Levi. Their inheritance is to eat Yahweh’s offerings.” Not only do the priests have no land to farm; priests are referred to in the third person. Farmers are never referred to in the third person; farmers and shepherds are always referred to in the second person. Farmers and shepherds are the assumed readers of the text and the assumed majority demographic of the city.²¹

However, Deuteronomy would not be prescribing on *city* life if it had no room for at least some specialists. I have already mentioned some of these (i.e., government figures), but there are others. Most important by far is the priesthood.

21. Lundbom, *Deuteronomy*, 729: “Deuteronomy assumes that most everyone in Israel will be either a farmer or a herdsman.”

One immediate question concerns the relationship between the priests and the Levites or “sons of Levi” in Deuteronomy. Are these terms all synonymous? Or do they designate distinct yet overlapping groups? G. Ernest Wright argued 65 years ago that the priesthood is a particular subset of the larger group known as Levites,²² while John Emerton has advanced the theory that “priest” is merely the designation for the Levites who are serving at the altar at a given time (i.e., all Levites serve at the altar at some point).²³ Emerton makes the more convincing case, if we allow that Deut. 18:1 equates the priests with the entire tribe: לַכֹּהֲנִים הַלְוִיִּם כָּל־שֹׁבֵט לְוִי. I would point out that in Deuteronomy, the term Levite (לְוִי) by itself is always a tribal/ancestral designation where priest (כֹּהֵן) is always an occupational designation. In other words, Levites are people who descend from Levi, have no ancestral lands, and are in danger of being overlooked along with other landless peoples such as widows and orphans, while priests are people who perform religious and judicial tasks in the community.

More recently, Mark Leuchter has argued that the expression “the Levite within your gates” (הַלְוִי אֲשֶׁר בְּשַׁעְרֵיךָ) indicates that the Levite had an executive or judicial responsibility.²⁴ Leuchter contends that since Deut. 16:18 uses the same “in your gates” construction to describe the local judges, the local judges and the national adjudicators are drawn from the Levites. However, when Deut. 12:21 allows animals slaughtered

22. G. E. Wright, “Levites in Deuteronomy,” *VT* 4, no. 3 (1954): 325-330. So also Block, 409.

23. John A. Emerton, “Priests and Levites in Deuteronomy” *VT* 12, no. 2 (1962): 138.

24. Mark Leuchter, “The Levite in Your Gates,” *JBL* 126, no. 3 (2007): 417-425.

away from the central sanctuary to be eaten “in your gates” (בְּשַׁעְרֵיךָ), this does not necessarily mean the meat must be eaten in the gate-chambers where the judges sit. Deuteronomy 14:21 allows the giving of meat of an animal which died naturally to the sojourner “in your gates” (בְּשַׁעְרֵיךָ), which certainly does not imply the sojourner has a judicial function. The tithe is to be stored “in your gates” (14:28), and in the covenantal curses the besieging enemy will cause distress “in your gates” (28:57), but neither of these indicate that these actions are performed at the chambers of the city gate. Leuchter’s hypothesis that Levites serve judicial functions is unconvincing. But even if we grant Leuchter’s argument, the term “Levite” is still not an occupational designation. The occupation is the local judge or central court, and Levite is a tribal designation.

Are priests present in every city? There is some evidence to suggest that priests were only present, or that they only functioned as priests, at “the place Yahweh will choose.” In Deut. 17:8-9, we read that if a legal dispute arises that is too complex, then “you shall arise and go up to the place which Yahweh your god will choose. You shall go to the Levitical priests and to the judge who is [serving] in those days. You shall inquire, and they will tell you the just thing to do.” Or again, in Deut. 26:2-3, the reader/hearer is to take some of the firstfruits of his harvest and “go to the place which Yahweh your god will choose, to make his name dwell there. And you shall bring it to the priest who is [serving] in those days, and you shall say to him . . .” Additionally, the legislation concerning the king commands that the king write for himself a copy of this instruction “in the presence of the Levitical priests” (17:18), which could suggest priests reside near the king and not necessarily in every city.

The evidence is stronger in my view that priests lived and served as priests in many if not all cities. Deuteronomy 21:1-9 tells us that if a body is discovered and nobody knows who the killer is, the elders of the closest city take a heifer to a nearby valley, break her neck, and wash their hands over her. We are also told that the priests are to accompany them for this, suggesting that just as there are local elders, there are local priests. In 24:8, anyone who contracts a leprous disease should follow the instructions of the priests, again suggesting that priests are present within the city and not shipped in from the capital.

Thus priests serve in two capacities. First, they preside at the altar in the place Yahweh will choose, wherever the altar is at the moment. For this, they must commute from their homes throughout the land of Israel. Second, they serve in their local communities in rites of purification (Deut. 21:5; 24:8).²⁵

Priests are the only religious specialists in Deuteronomy. Chapter 18 makes this clear by prohibiting a number of other potential religious specialists: diviners, fortune tellers, sorcerers, charmers, mediums, and necromancers (18:10-11). Even the role of prophet is not considered an occupational specialty—at least not a licit one. Deuteronomy does envision that a prophet like Moses would arise in the future (18:15-22) and that this prophet would speak on behalf of Yahweh, but it is not clear whether this text imagines

25. Block asserts that “their presence at this ritual was required to ensure its proper performance and to serve as witnesses. Presumably at the end they will announce the lifting of bloodguilt and the replacement of this curse with the blessing on Yahweh’s behalf,” 491.

him to be a professional prophet.²⁶ It may be that Micaiah (1 Kgs. 22:5-23), Isaiah,²⁷ or the hundreds of prophets of Baal were professional prophets, but this is never made explicit in the biblical witness. It is not my conclusion that Deuteronomy prohibits prophecy as a religious occupational specialization, but it does seem that prophecy as an occupation (if it is an occupation at all) will be far less common than that of the priest.

Another potential occupation is that of the soldier. We read in Deut. 20:1-9 that when Israel goes to war with an enemy people (דָּבַר, v. 1), “the priest is to approach and speak to the people and say to them, ‘Hear, O Israel! Today you are near to a battle with your enemies’” (v. 3). This indicates that Israel has no standing professional military. Rather, Deuteronomy imagines that when a threat arises, all of Israel steps up to the plate.²⁸ Lundbom says of v. 3: “‘The people’ being the addressee points to a volunteer militia, mobilized as the need arises and put under civilian and military leadership, who are appointed for the occasion. Deuteronomy does not envision Israel as having a standing army.”²⁹ Israel does not *have* an army; Israel *is* an army.

Occupational specialization is a hallmark of urban existence, and I have surveyed Deuteronomy’s treatment of non-food-related occupations. What conclusions can be

26. It is generally agreed that the “prophet like Moses” refers to a succession of prophets and not to a specific person. See, for example, Lundbom, *Deuteronomy*, 561-2; Thompson, 212; and Block, 440.

27. Martin O’Kane argues that Isaiah should be understood as a prophet like Moses, but nowhere in his treatment of the prophet does he address Isaiah’s occupation: “Isaiah: A Prophet in the Footsteps of Moses” *JSOT* 21, no. 69 (Mar 1996): 29-51.

28. So Block, 469.

29. Lundbom, *Deuteronomy*, 583.

drawn from the foregoing analysis?

1. Food production is by far the majority occupation in Deuteronomy's vision.

This can be explained in one of two ways. One explanation is that Deuteronomy envisions an urban society in which relatively few people are involved in specialty occupations. There are priests, maybe prophets, and a handful of governing figures, while everyone else is involved in farming. The other possibility is that Deuteronomy is simply not interested in the regulation of other specialties. In this view, there are still priests and judiciaries, just as there may also be smiths or fullers, but Deuteronomy does not bother to address them as it does priests. Either way, specialists appear to be a small minority in the Deuteronomic city.

2. The primary specialization is that of the priest. This is not to say that there are more priests than any other specialty, at least not if we admit the existence of smiths and fullers and so on. Rather Deuteronomy is most concerned with religious specialties, and the only licit religious specialty is that of the Levitical priest.

Surplus Management

A third feature of the preindustrial city is that it “controls more land than is necessary for its own subsistence.” By nature, cities produce more food than its farmers need in order to survive. Part of the socio-political dynamics of the city is how that surplus will be managed. As we saw in chapter 1, the farmer does not willingly part with his food, and it must be extracted by the elites through coercion (i.e., taxation enforced through the threat of violence). The surplus is then stockpiled, and the elites steward its distribution typically among specialists who are not producing food for themselves.

During the monarchy, Israel's prophets criticized the elites for oppressive extraction (e.g., Mic. 2:1-5; Isa. 3:13-15). I turn now to consider Deuteronomy's vision for how the surplus should be managed.

The fullest treatment of the subject is in Deuteronomy 26. This chapter articulates a tithing liturgy that consists in three movements: a presentation of the tithe, an affirmation of Yahweh's faithfulness, and a celebration. I will then treat a separate liturgy performed every third year in which the tither declares his innocence and makes a plea for blessing.

Presentation of the Tithe

The first movement of the tithing liturgy of Deuteronomy 26 is the presentation of the tithe in vv. 1-4:

“When you come into the land which Yahweh your god is giving to you as an inheritance and you possess it and dwell in it, then you shall take from the first of all the yield of the land which you harvest from your land that Yahweh your god is giving to you and place it in a basket and take it to the place which Yahweh your god will choose to make his name dwell. And you shall come to the priest who is [serving] in those days and say to him, ‘I declare today to Yahweh your god that I have come into the land which Yahweh swore to our fathers to give to us.’ And the priest shall take the basket from your hand and set it before the altar of Yahweh your god.”

In this passage, the farmer is commanded to bring a portion of “the yield of the land” to the place Yahweh will choose and present them to the priest. The ritual described here can be supplemented by a few other passages in Deuteronomy. First, Deut. 14:22-23 explains that the tithe is imposed on grain, wine, and oil as well as on flocks and herds. Not only cereals are considered “the yield of the land” (כָּל־פְּרִי הָאָדָמָה; v. 2).³⁰

30. Clifford, 137, believes that only crops are in view in Deuteronomy 26.

Second, every time the tithe is discussed in Deuteronomy, it is clear that the tithe is presented at the place Yahweh will choose (12:5-6, 11; 14:23; 26). There is an important exception however. The tithe is performed on a three-year schedule; in years one and two, the tithe is presented at the place Yahweh will choose, but every third year the tithe is presented in one's own locality.³¹ Thus we read:

“At the end of three years, you shall bring all the tithe of your harvest in that year and place it *within your gates* [בְּשַׁעְרֵיךָ].” (Deut. 14:28)

and

“When you have finished tithing all the tithe of your harvest in the third year, the year of the tithe, and have given it to the Levite, the stranger, the fatherless, and the widow, so they may eat *within your gates* [בְּשַׁעְרֵיךָ] . . .” (Deut. 26:12)

Twice the firstfruits are presented at the central sanctuary, but every third year the tithe is stockpiled in the local granary for use by the local needy.

Third, while Deut. 26:2 commands that the tithe be placed in a basket and delivered to the central sanctuary, Deut. 14:24-26 allows the tither to convert their “gift” into money and purchase foodstuffs at the sanctuary instead.³²

Affirmation of Yahweh's Faithfulness

The farmer has brought a tenth of his offering to the central sanctuary and handed it to the priest. He then confesses Yahweh's faithfulness in 26:5-10:

31. Here I find the work of Ian Wilson to be particularly helpful; “Central Sanctuary or Local Settlement?” *ZAW* 120, no. 3 (2008): 323.

32. Lundbom (*Deuteronomy*, 485 and 631-2) notes that Deut. 14:25 has the worshiper turn the tithe into silver (כֶּסֶף), not coinage. The use of silver as currency points to a post-Mosaic date for this section of Deuteronomy, while the absence of coinage indicates a date prior to the fifth century.

“Then you shall answer and say in the presence of Yahweh your God, ‘A wandering Aramean was my father. He went down to Egypt and sojourned there, few in number, and there he became a great nation, mighty and many. And the Egyptians did us wrong, oppressed us, and laid heavy burdens on us. Then we cried out to Yahweh, the god of our fathers. Yahweh heard our voice, and he saw our affliction and our labor and our oppression. Then Yahweh brought us out of Egypt with a mighty hand and outstretched arm and great terror and signs and wonders. And he brought us to this place and gave to us this land, a land flowing with milk and honey. And now, behold, I have brought the first of the fruit of the ground which you, Yahweh, have given to me.’ And you shall place it before Yahweh your god, and you shall bow down before Yahweh your god.”

Once the tither has presented the tithe to the priest, he recites this salvation-history of Israel. In this liturgical story, the tithe is brought as a response to Yahweh’s gracious deliverance of Yahweh from Egypt. It is significant that the tithe is not extracted from the farmer by coercion or violence but is offered joyfully in gratitude (cf. 26:16). In summary, the farmer is saying, “Yahweh has saved us from slavery and brought us to this land, and now I happily return this portion of the fields I have been granted.”

So the tithe is presented because Yahweh has been faithful to the ancestors in bringing Israel to the land; but the tithe is possible because of Israel’s faithfulness to the covenant stipulations. In Deut. 7:12-14; 11:13-17; and 28:1-6, 15-20; Yahweh promises abundant rain, fertility, and livestock, provided Israel will “listen to these rules and keep them and do them” (7:12), “obey [Yahweh’s] commandments” (11:13), and “faithfully obeys [Yahweh’s] voice” (28:1). The only reason that there is a surplus to tithe (or any food at all for that matter) is that Israel maintains the covenant.

Celebration

Once the tither has affirmed Yahweh’s faithfulness in delivering Israel and

bringing him into the land, the tither and his entourage celebrate at the sanctuary in
26:11:

“Then you shall rejoice in all the good which Yahweh your god has given to you and your house—you and the Levite and the sojourner who is in your midst.”

The farmer, his household, the Levite (who has no land), the sojourner (who also has no land), and presumably the orphan and widow (cf. v. 13) rejoice in Yahweh’s generosity for another year. This celebration presumably takes the form of a feast to which these disenfranchised persons are welcome.³³

Declaration and Plea

These three movements—presentation, affirmation, and celebration—form the tithing liturgy for years one and two of the three-year cycle. But in the third year, when the tithe is not brought to the central sanctuary, the liturgy is different. Deuteronomy 26:12-15 reads:

“When you have finished tithing all the tithe of your harvest in the third year, the year of the tithe, and have given it to the Levite, the stranger, the fatherless, and the widow, so they may eat within your gates and be filled, then you shall say in the presence of Yahweh your god, ‘I have removed the consecrated portion from my house, and I have given it to the Levite and to the fatherless and to the widow, according to all your commandment which you have commanded me. I have not transgressed your commandments nor forgotten them. I have not eaten from it while in mourning, I have not removed it in uncleanness, and I have not given it to the dead. I have obeyed the voice of Yahweh my god. I have done according to all that you have commanded me. Look from your holy habitation, from heaven, and bless your people Israel and the land which you have given to us just as you swore to our fathers, a land flowing with milk and honey.’”

33. So Lundbom, *Deuteronomy*, 729; Block, 604; Thompson, 256-7; and Clifford, 139.

In this third year, the farmer does not bring his tithe to the central sanctuary. Rather he brings it to his local granary for the benefit of the landless poor, Levite, widow, sojourner, and fatherless (14:28-29). When he has completed this local tithe, he makes a pilgrimage to the central sanctuary to declare to Yahweh his having satisfied the command.³⁴ He also makes a plea for Yahweh not to withhold the blessing (cf. 28:15, 23-24).

Conclusions

What does all this material indicate with regard to the management of surplus food in Deuteronomy?

1. *The tithe acts as Israel's tax.* As far as I can tell, there is no word for “tax” during the period of the monarchy. The word טָקָה is so glossed in BDB, but in the biblical text it only appears in Num. 31:28-41 where it refers to a portion of plunder from a battle with Midian that is to be given to Yahweh. The word מִשְׁעָבָה comes to take on the meaning of tax, but only in post-exilic texts. Deuteronomy never uses either of these words, nor makes reference to tax or tribute. One feature of the city according to Childe was that every farmer

paid over the tiny surplus he could wring from the soil with his still very limited technical equipment as tithe or tax to an imaginary deity or a divine king who thus concentrated the surplus. Without this concentration,

34. That the man must go to the central sanctuary to make this proclamation (as opposed to making the proclamation at his local granary) is the view of Thompson, 257; Block, 605; and Lundbom, *Deuteronomy*, 730. Ian Wilson's essay is written entirely in defense of this position.

For scholars who take the other approach, that the proclamation is made at the local depository, see Tigay, 243; Duane L. Christensen, *Deuteronomy 21:10-34:12*, WBC 6B (Nashville: Thomas Nelson, 2002), 642; and Peter C. Craigie, *The Book of Deuteronomy* (Grand Rapids: William B. Eerdmans, 1976), 323-4.

owing to the low productivity of the rural economy, no effective capital would have been available.³⁵

Deuteronomy does envision a “tax” paid by the working class, but rather than a financial extraction, it is the tithe of foodstuffs.

2. Surplus is possible because of the mutual faithfulness of Yahweh and Israel.

That Yahweh has been faithful is evident in the deliverance from Egypt and the inheritance of the land. It is his faithfulness which makes any farming and especially surplus farming possible. But Israel must also remain faithful if the rains are to continue. Faithlessness on the part of Israel will result in drought and famine (cf. Jer. 3:2-3, 5:23-24). This double-sided truth explains both why the tithe is to be presented with rejoicing and gratitude (Deut. 26:11) and why the farmer must take care to announce his faithfulness on the years he does not bring his tithe to the central sanctuary (Deut. 26:12-14).

3. The tithe is relinquished willingly, not by coercion. We often speak of taxes being *imposed* upon a citizenry, understanding that hardly anyone would part with their hard-earned produce of their own accord. Taxes must be extracted by force, or the threat of force, because the farmer will not simply hand over his crop altruistically. But in Deuteronomy, the whole tenor is different. The tithe is not imposed upon Israel. Rather, Israel hands over her tithes “with all [her] heart and all [her] being” (Deut. 26:16). Why should Israel be so glad to hand over her food to the national and local granaries? Perhaps she is glad to hand it over because they know for whom it provides.

4. The tithe supports the vulnerable, not the powerful. Again and again, we see

35. Childe, 11-12.

that the tithe is given in order to provide for the vulnerable members of society (Deut. 12:12; 14:27, 29; 26:11, 13). The Levite, widow, orphan, foreigner, and slave are all without land of their own to farm and are at the mercy of the community to provide for them. The tithe is collected so that they may have something to eat along with the landowners. The tithe is *not* collected to pad the pockets of the king, the judges, or any officials or to fund a military or building projects. In Deuteronomy, the surplus is not concentrated among the elite but distributed among the helpless.

Multiple Kinship Groups

A fourth feature of preindustrial cities is that they are comprised of multiple kinship groups; therefore, membership in the community is based on residence rather than blood relations. As a result, urban life presents a dynamic that one does not find in the single-family camp. In a single-family camp, one may interact with other kinship groups in passing, but in the city this is a daily occurrence.

In other words, the city presents the question of the neighbor. In Deuteronomy, the עֵר word-group is often translated as “neighbor,” while the word אָח is rendered “brother.” But Deuteronomy frequently uses אָח to denote a fellow Israelite and not simply a biological brother or even cousin (e.g., 1:16; 15:2; 18:7). It does not suffice, then, to seek out passages that flesh out a man’s relationship with his עֵר as opposed to his אָח. Rather, we must read Deuteronomy with an eye toward the interaction of distinct families and ask how their relationships are bounded and guided.

I organize Deuteronomy’s vision for the interaction of multiple kinship groups

into three categories: sex, property, and debt.³⁶ I will discuss each of these in turn and then draw conclusions.

Sex

There are three passages in Deuteronomy which pertain to sex, marriage, and adultery. These are (1) the Decalogue (5:18, 21); (2) penalization for adultery and sexual assault (22:22-29); and (3) prohibition against remarriage of one's first wife (24:1-4).

The Decalogue provides a clear and abrupt prohibition against adultery: "You shall not commit adultery" (Deut. 5:18). In view here is the voluntary sexual union of a man, whether married or unmarried, with a married or betrothed woman.³⁷ If the woman is unmarried, the union is not called adultery (זנות; Lev. 20:10, Jer. 29:23) but harlotry or fornication (זנות; Lev. 21:7, Deut. 22:21). Among the reasons that adultery is forbidden is that it "threatens the stability of the community."³⁸ Such a union may bring into being a bastard child which disrupts the transfer of property. Also in the Decalogue is the related prohibition in v. 21: "And you shall not covet your neighbor's wife." Block asserts that

36. Another major concern in Deuteronomy is how the city treats the sojourner (גר). The sojourner is allowed to enjoy Sabbath (5:14), eat from the tithe (14:29), and glean from the fields (24:19-21). Deuteronomy assumes, likely due to its monarchic provenance, that the city is inhabited to some degree by non-Israelites. However, the presence of non-Israelites is not *constitutive* of the preindustrial city. Further, Deuteronomy does not address sexual relations with sojourners (but see 22:10-14), the exchange of property with them, or managing debt with them.

37. Lundbom, *Deuteronomy*, 290; Block (166) expands the definition to include a married person and anyone who is not his or her spouse, but in a footnote retracts this expansion. Lundbom goes on to note that the woman's husband is the most offended party in this situation, since adultery threatens his family inheritance.

38. Block, 166.

such coveting may be for purposes other than sexual gratification (such as her contribution to the household economy, enhancing his status in the community, or providing offspring).³⁹ However, sexual union is certainly in view as well. It has been shown recently that coveting (חמד) refers not merely to a desire or craving; it refers to the initiation of a plan to acquire or to one's scheming to obtain something.⁴⁰ Even so, the prohibition of v. 21 covers an internal action, a posture of the heart.

The penalty for adultery—the violation of one's neighbor by means of sexual union with his wife or betrothed—was death for both sexual partners (Deut. 22:22). Nowhere does Deuteronomy allow for this penalty to be mitigated through remuneration as it could in some other societies.⁴¹

However, the text does adapt this punishment based on circumstances. In 22:22, if the adulterous man is caught in the act (lit. “found” [מִצָּדָה]) with the woman, then both of them are to be executed.⁴² But suppose the couple is not caught in the act—what then? If the act occurs within the city (i.e., inside the city walls; בְּעִיר), then it is assumed the girl did not cry for help and thus that it was consensual, and they are both executed (22:23-24). Washington believes this law fails to recognize that rape can occur in the

39. *Ibid.*, 167.

40. Lundbom, *Deuteronomy*, 291; Clifford, 43.

41. Lundbom, *Deuteronomy*, 291 and 635. Cf. Prov. 6:35. Lundbom's treatment of Deuteronomy 5:18 and 22:22-29 is replete with analyses of other ancient near eastern law codes concerning adultery.

42. Lundbom (*Ibid.*, 636) claims that the equal treatment of the woman signifies an elevation of her status in society from earlier law. That she is considered culpable and accountable for her actions indicates a measure of dignity.

city,⁴³ but preindustrial living quarters were much tighter and the expectation that someone would hear her cry out is more warranted than Washington allows. If the act occurs in the field (i.e., still in the city's domain, but not in the tight living quarters found within the walls; *בְּשָׂדֵה*), then the girl is given the benefit of the doubt and only the man is executed (22:25-27). In both of these cases, the woman is betrothed. But if the woman has not been betrothed to anyone and a man deflowers her, whether in the city or in the field, then her father can no longer receive a bride price for her. Therefore the man who took her pays her bride price and is never allowed to divorce her; the option for him to pay the bride price and walk away from her is not present here as it is in Exod. 22:17.

These laws demonstrate a concern for the preservation of family property. It is not merely sexual propriety that lies behind these laws but the worry that an illicit sexual union may produce a child.⁴⁴ The bastard child creates problems when it is time to divide a man's inheritance. Preservation of property and stability of family distinctions is thus the driving force behind these prohibitions.

The final passage dealing with sexual unions is Deut. 24:1-4, which regulates remarriage following divorce. In this passage, a woman who has been sent away by her first husband, gotten remarried, and whose second marriage has dissolved through divorce or death, may not be reclaimed by her first husband. Her first husband may send her away provided he finds some "indecent thing" in her (*עָרְטָה דְבָר*; 24:1), which was

43. Harold C. Washington, "Lest He Die in the Battle and Another Man Take Her," in *Gender and Law in the Hebrew Bible and the Ancient Near East*, eds. Matthews, Levinson, and Frymer-Kensky (Sheffield: Sheffield Academic, 1998), 208-211.

44. Block, 525; Lundbom, *Deuteronomy*, 635.

famously understood by Shammai to refer to adultery and by Hillel to mean any distasteful thing.⁴⁵ It is generally agreed today that the indecent thing is not adultery as Shammai thought, since adultery would merit the death penalty rather than divorce.⁴⁶ Lundbom shows concern that Hillel's position trivializes the matter, and concludes that the indecency must be something between adultery and burnt toast, saying, "We really do not know what sort of indecency is envisioned." Block makes a good argument that the indecency is menstrual irregularity and its subsequent ritual uncleanness, leaving her perpetually unable to perform the marital act.⁴⁷ Whatever the "indecent thing" is, the point is that the first husband has some reasonable cause for divorcing his wife. Her second husband finds no such indecency (making Block's hypothesis less tenable), but rather simply "hates her," and sends her away, or else he dies. It is possible that if she is sent away by the second husband without reasonable cause she may have been entitled to financial compensation, and that if her husband died without an heir, she may have received an inheritance. Her newly acquired financial statements would make her more attractive to her first husband, who is not allowed to take her back.⁴⁸ The reason why the woman's first husband is not permitted to take her back is unclear, but the text does say that doing so is an "abomination before Yahweh" and would "bring sin upon the land" (24:4).

45. b. Gittin 90a.

46. So Lundbom, *Deuteronomy*, 671; Thompson, 243; and Clifford, 129.

47. Block, 558.

48. This is the theory of Lundbom, *Deuteronomy*, 673.

What we find in the Decalogue, the prohibitions on adultery, and the regulation on remarriage is a concern for the stability of the community. Deuteronomy recognizes that illicit sexual relations threaten the integrity of family estates, which are themselves inheritance from Yahweh and the fulfillment of his promise. I do not believe any of the passages I have surveyed prohibit or penalize illicit sexual unions on a mere moral basis (though I do think morality is involved!). Sex and marriage is one way that multiple kinship groups interact, and these boundaries are placed on sexual activity for the pragmatic purpose of ensuring the stability of family land.

Property

There are three main passages in Deuteronomy which pertain to property and theft. These are (1) the Decalogue (5:19, 21); (2) a prohibition against moving boundary markers (19:14); and (3) the judgment concerning grazing on and harvesting another's field (23:24-25).

As with adultery, the Decalogue is clear and abrupt: “You shall not steal (גנב)” (Deut. 5:19). This root is sometimes used of kidnapping (as in Deut. 24:7, where kidnapping is a capital crime like the previous two commands of the Decalogue—murder and adultery), leading the rabbis to conclude that the Decalogue is prohibiting kidnapping.⁴⁹ In light of the tenth commandment, “And you shall not desire your neighbor's house . . .” (Deut. 5:21), it seems more likely that the prohibition against

49. Ibid., 293.

stealing includes kidnapping but extends also to the theft of property.⁵⁰ Block asserts that the tenth commandment aims “to create a climate of trust and security within the covenant community.”⁵¹ While the prohibitions in the Decalogue apply to the covenant people generally, two other commands pertain more specifically to urban life.

Deuteronomy 19:14 seeks to protect the stability of inheritance by disallowing the movement of property lines:

“You shall not move the boundary of your neighbor which was erected by the forefathers in your inheritance which you will inherit in the land that Yahweh your god is giving to you to possess.”

Deuteronomy assumes a history of Israel here in which the land is divided among the families of the covenant people in perpetuity.⁵² These ancient boundaries, made visible through landmark stones, are to be honored and respected as a way of showing respect for the holiness of the land more generally.⁵³ But because the victim of such a crime would most likely be ignorant of subtle changes, the punishment for this theft is left not in the hands of the elders, judges, or men of the city, but in the hands of Yahweh himself (Deut. 27:17).⁵⁴

50. Ibid.; Block, 166. For a commentator who holds that it refers only to kidnapping, see Clifford, 43.

51. Block, 167.

52. Notice that the command assumes the division of property has already taken place and is attributed to “the forefathers” (רֵאשִׁימִים), even though in the logic of the narrative this has not yet happened.

53. Clifford, 105.

54. Thompson, 217.

One last passage on theft comes from Deut. 23:24-25:⁵⁵

When you enter your neighbor's vineyard, you may eat as many grapes as you desire, but you shall not put any in your bag [כַּלְיָהוּ]. When you enter your neighbor's grain-field, you may pluck kernels of wheat with your hand, but you shall not swing a sickle upon your neighbor's grain.

It is an inevitability in urban life that people will pass through one another's fields. When a person is on his neighbor's property, the landowner treats the passer-by with hospitality, allowing him to eat some of his yet-unharvested food. But the passer-by could potentially take more than is appropriate, thus taking advantage of the landowner's hospitality.⁵⁶ So there is a tension for the landowner between being inhospitable on the one hand and being taken advantage of on the other.⁵⁷ Deuteronomy stands up for the landowner on the one hand by curbing the passer-by's excess, and it stands up for the passer-by in granting him the right to enjoy the landowner's hospitality. The vision here is one in which there is welcome and sharing but also respect and fairness. Clifford puts it beautifully: "The law breathes a generous and hospitable spirit for all its practicality, a spirit of life gratefully lived among 'brothers' and 'sisters' in the land the Lord gives."⁵⁸

The specific commands in Deuteronomy that pertain to theft, whether by moving a landmark or by harvesting food not one's own, evidence a concern for respect: for Yahweh as the giver of the land, for the ancestors, and for one another. The city breeds

55. MT 23:25-26.

56. Thompson, 243; Clifford, 127. Lundbom (*Deuteronomy*, 667) connects this passage to theft by underscoring that putting grapes or grain in a bag or other vessel would only be for the purpose of transporting the food off the premises.

57. Framing the landowner's angst in terms of this tension is something I owe to Block, 549.

58. Clifford, 127.

opportunities to take advantage of each other anonymously, but Deuteronomy envisions a society of honor. As with the prohibition against coveting one's wife, Deuteronomy imagines a city where the hearts of the residents are upright (5:21). That uprightness is evident in mutual respect and the absence of greed.

Debt

There are two passages in Deuteronomy which pertain to debt and one's relationship to the poor, beyond the previously discussed instructions concerning the tithe. These are the passages on the year of release (15:1-11) and on the charging of interest (23:19-20).

Deuteronomy 15:1-11 teaches that every seven years, creditors are to "release" what they have lent out to their neighbors. Interpretations of this release range from a one-year suspension of payments to the complete forgiveness of debts to the return of property taken as collateral in addition to the forgiveness of debts.⁵⁹ The latter of the three seems most reasonable to me, since the similar injunction in 15:12 does not expect a slaveowner to grant his slave a one-year reprieve in the year of release or to simply send him out the door; the slaveowner restores the slave to a financially viable status (15:13-14). Thus, Deuteronomy imagines a total exculpation of debt and restoration of family lands every seven years. It is hard to imagine how any one family can become financially dominant in the community without the charging of interest, on which see below.

59. Clifford, 91, takes the suspension position; Thompson, 187, takes the complete remission position; and Block, 365, takes the return of property position.

The year of release will never be needed of course, provided Israel remain faithful to the covenant. We find in 15:4 that “there will be no poor among you.” In light of Targum Onqelos, Lundbom interprets this clause as a wish: “There *should* be no poor among you.”⁶⁰ The assertion in v. 4 that Israel will have no poor people (אֶיִתְּךָ) in their midst is less of a guarantee and more of an ideal or goal. Since prosperity was contingent on obedience to Torah (Deut. 11:13-17), poverty was thought to be completely avoidable. So when we read that “there will never cease to be poor in the land” (15:11), that ideal is surrendered to the reality of ongoing faithlessness by the people.⁶¹

In the event that someone does become poor, Deuteronomy commands the neighbor who has plenty to lend to the poor man (15:8) while forbidding him to charge interest on the loan (23:19-20).⁶² This prohibition against charging interest was not limited to loans given to poor debtors,⁶³ but since commercial ventures were virtually unknown, loans were almost always given to relieve distress.⁶⁴ Deuteronomy envisions a community in which no one becomes wealthy by taking advantage of the poor. Instead one’s resources are held with an open hand and neighbors can depend on one another in

60. Lundbom, *Deuteronomy*, 489; emphasis Lundbom’s.

61. Thompson, 188-9; Clifford, 91; Block, 370.

62. Deuteronomy 15:3 allows the reader to exact taxes of the foreigner (הַנִּזְרָר), but does not mention the sojourner (גֵר) one way or the other.

63. Lundbom, *Deuteronomy*, 663.

64. Clifford, 126.

times of hardship.⁶⁵

Conclusions

I have examined three ways in which kinship groups interact—sexual unions, potential theft of property, and loans. These are not the only ways that families will interact in urban environments, but they are the three most significant ways monitored and prescribed upon by Deuteronomy. What conclusions might be drawn from the preceding analysis?

1. Stability of the family land is important, since it is the gift of Yahweh. Family land is an inheritance given by Yahweh and assigned by the ancestors, and Deuteronomy will not allow for these boundaries or ownerships to be compromised. Illicit sexual unions are forbidden because they compromise inheritances. Theft, and especially theft by moving boundary stones, is forbidden because it disregards inheritances. Debts are to be released and interest foregone in order to maintain family ownership of ancestral lands. Over and over, we are reminded that these family lands are an inheritance (e.g., 4:21; 5:16; 8:10; 12:9).

2. Urban society is characterized by trust, benevolence, hospitality, and respect. One can allow passers-by to eat their grapes or grain because one knows the passer-by can be trusted not to overindulge himself. The traveler knows he can help himself to the landowner's hospitality. The property lines set by the ancestors are honored in perpetuity.

65. Block, 547, makes the point that Deut. 23:19-20 is addressed to the lender, making it a matter of responsibility to one another, rather than to the borrower which would make it a matter of rights. Deuteronomy is more concerned here about creating a sense of responsibility to one's neighbors rather than expectations of them.

Those who fall on hard times will find support from their neighbors. Marriages are honored, and disregard for marriage is reprimanded severely.

Physical Structures

The final feature of the preindustrial city that I will discuss is the physical structures that compose the city. A city is not simply all the people and kinship groups who live under a common government; the word also denotes the houses, public buildings, and wall within which they live and work. What is Deuteronomy's vision for the physical structures of Israelite cities?

Of all five features of the city I discuss in this chapter, physical structures are treated the most sparsely in Deuteronomy. It has nothing to say about the construction or architecture of houses, city planning, or public buildings. There are only two germane passages in all of Deuteronomy—the command to build a parapet around one's roof (22:8) and the command to write “these words” on the doorposts and gates (6:9 and 11:20).

In a series of seemingly miscellaneous instructions, Deut. 22:8 commands that the builder of a new house put a parapet on their roof in order to avoid bloodguilt in the event someone should fall off the roof. Such a command takes for granted that these houses will be flat-roof houses, but hardly mandates them. Deuteronomy gives no further instructions regarding building materials, layout, or orientation. It is only concerned that the home be safe for its occupants, whether owners or guests.

More significantly, on the heels of the Shema in Deut. 6:4-5, we read the command in 6:9, “And you shall write them [i.e., ‘these words,’ הַדְּבָרִים הָאֵלֶּה (cf. 6:6)]

over the doorposts of your house and upon your gates.” First, what are “these words” that are to be written? Some think the Shema is in view here, that Deut. 6:4-5 or perhaps 6:4-9 is to be written on the doorposts and gates.⁶⁶ Lundbom thinks it refers to “the entire Deuteronomic law.”⁶⁷ While either of these interpretations is possible, I suggest that *הַדְּבָרִים הָאֵלֶּה* in 6:6 which are to be written on the doorposts and gates refers to the Decalogue. This exact construction is found a total of eight times in Deuteronomy: twice referring to the Song of Moses (31:28; 32:45); twice referring to covenant curses (4:30; 30:1); once denoting the instructions about sacrifice at the central sanctuary (12:28); once referring to a speech of Moses (31:1). The other two are in the current passage, 6:6, and seventeen verses earlier in reference to the Decalogue (5:22).

It is obvious that Deuteronomy does not use the construction consistently, but there are several reasons why “these words” in 6:6-9 should be taken to refer to the Decalogue. First is the simple proximity of the two texts. When Moses says, “All these words I command you today” in 6:6, the most recent reference to a specific set of words was in 5:22. Second, there is no clear signal between 5:22 and 6:6 that Moses ever stopped talking about the Decalogue as a bounded set of instruction. Third, it makes more sense to place the Decalogue on the gates than the Shema. If Block is correct that the writing is to be on the gates because they functioned as the courthouse, then the

66. This is the position of Clifford, 46-47, and of Block, 185.

67. Lundbom, *Deuteronomy*, 312. He adds (315) that the earliest physical evidence of this command being fulfilled comes from Qumran. A mezuzah known as 8Q4 contains Deuteronomy 10:12-11:21 with significant lacunae, but indicates that more than chapter 6 was written.

Decalogue serves more purpose there than the command to love Yahweh.⁶⁸ This is particularly true in light of the suggestion that the Deuteronomic Code is simply an expanded commentary on the Decalogue.⁶⁹

Deuteronomy's only stipulations for urban homes is that the flat roofs be surrounded by a parapet and that a copy of the Decalogue be inscribed over the door. Just as the door is the portal of the home, the gate is the portal of the city, and on the gate also we find a copy of the Decalogue. Whether going out of the city or coming in, whether a resident of the city or a stranger to it, one is reminded of the foundational instructions that govern and guide one's life. What conclusions can be drawn then with regard to physical structures of the city?

1. Deuteronomy has no stipulations regarding architecture, construction of private or public buildings, or regarding city planning. With the exception of the parapet in 22:8, there are no boundaries or guidelines for homes or common spaces.

Deuteronomy does assume the city will have walls and a gate as well as flat-roof homes, but this is merely indicative of its provenance. The lack of concern for physical structures is striking in light of the excesses of the wealthy elites around the seventh century BCE (cf. Jer. 22:13-14; Amos 3:15; Hos. 8:14).

2. Thresholds of the home and the city are to be marked by the Decalogue. These foundational instructions stand at the head of both the Deuteronomic Code and the

68. Block, 186.

69. For one example of this popular theory, see John H. Walton, "The Decalogue Structure of the Deuteronomic Law," in *Interpreting Deuteronomy*, ed. David G. Firth and Philip S. Johnston (Downer's Grove, IL: IVP Academic, 2012), 93-117.

Covenant Code in Exodus 20-24. The rest of the instructions in Deuteronomy can be understood to simply fill out these ten basic words. They act as a constant reminder of the stipulations of the covenant between them and Yahweh, both privately and publicly.

Dangers of the City

Deuteronomy is framed as a set of speeches given by Moses to Israel as they are about to enter the Promised Land. In that setting, Moses warns the people about the dangers of city living which they had not encountered in the wilderness. When we read Deuteronomy as product of the monarchic period, these warnings read less as predictions or warnings and more as criticisms. Like the prophets, they are condemning certain actions that are products of urban living. Deuteronomy recognizes that cities breed pride, self-reliance, and forgetfulness.

A key text here is Deut. 6:10-14:

When Yahweh your god shall bring you into the land which he swore to your fathers, to Abraham, to Isaac, and to Jacob, to give to you—large and good cities which you did not build, houses full of all good things which you did not fill, cisterns dug which you did not dig, vineyards and olive trees which you did not plant—and when you shall eat and be satisfied, then watch yourselves, lest you forget Yahweh your god who brought you out of the land of Egypt, from the house of slavery. You shall fear Yahweh your god and serve him and swear by his name. You shall not go after other gods—the gods of the peoples who are around you—for Yahweh your god is a jealous god in your midst, lest the anger of Yahweh your god be kindled against you and he destroy you from the face of the earth.

When Israel transitions from the wilderness to the city, they must be careful not to forget Yahweh. They will inherit things which they did not have in the desert—cities, houses, cisterns, and vineyards. They are liable to forget Yahweh not simply because their appetites are sated (that happened in the desert too; cf. Exod. 16:12); they are liable to

forget Yahweh once he has provided them with urban amenities. If they are not careful, they will forget that their cities, houses, cisterns, and vineyards are gifts from Yahweh. This amnesia will dissolve any commitment to Yahweh, and they will turn to worship other gods (6:14). And in the absence of commitment to Yahweh, the city is doomed.

Without commitment to Yahweh, the authority of the elders, judges, king, and Torah itself will be nullified. The single government under which the city will live will derive its authority not from Yahweh but from coercive violence. The city will be run with injustice and inequity according to the folly of rulers who have forgotten Yahweh.

Without commitment to Yahweh, the priesthood—the only significant occupational specialty in Deuteronomy—is rendered either unemployed or corrupt. Priests may enter the service of false gods and so defile themselves, or they will simply have nothing to do. Their function is not needed in a Yahweh-less society.

Without commitment to Yahweh, the tithe becomes a burdensome tax. It will not be given in celebration of Yahweh's faithfulness in giving the land to Israel, but resentfully and at the end of a sword. Without the constant reminder of Yahweh's concern for the poor and vulnerable, the tax will be collected to pad the pockets of the wealthy.

Without commitment to Yahweh, the preservation of family land as his gracious gift is no longer a priority. Landmarks cease to be sacrosanct, debts need not be cancelled, and children born through sexual impropriety threaten personal wealth rather than ancestral grants.

Without commitment to Yahweh, there is no reason to mark the doors of one's home or the gates of one's city with such irrelevant words as "I am Yahweh your

god” (Deut. 5:6). The Decalogue need not be posted on the doors of one’s house or the gates of the city if the city-dweller no longer says, “All the words that Yahweh has spoken we will do” (Exod. 24:3).

If Israel becomes proud of herself in the land she is inheriting and forgets Yahweh who gave it to her, her cities will become anti-cities. Deuteronomy’s entire vision for the city comes unraveled if the city forgets about Yahweh. This is why it is so important that Israel not forget and why people who lead the city away from Yahweh are treated so severely (Deut. 13:12-18).⁷⁰ What then can we conclude about the city from this passage?

1. Urban life naturally fosters a self-dependence which must be consciously resisted. There is something about urbanization which contributes to, or at the very least exposes, a natural tendency toward corporate pride. It is the tendency for city-dwellers to say, “My strength and the might of my hand have made this wealth for me” (8:17). This is the same pride that built the city of Babel (Gen. 11:1-9). There is a danger that in the city the hearts of the people will be lifted up, and they will forget Yahweh and his mighty acts of faithfulness. This danger can only be mitigated through careful remembrance (6:12; 8:11, 18) and later through the circumcision of the heart (10:16).

2. Order in the city is maintained through intentional remembrance of Yahweh. By “order in the city,” I mean the Deuteronomic ideal for the city as I have articulated it in this chapter. Deuteronomy’s ideals for government, work, food surplus, social relationships, and even physical structures all depend on remembrance of and respect for Yahweh and his deeds on Israel’s behalf.

70. MT 13:13-19.

Chapter 4: Conclusion

What is meant by the word “city”? As it pertains to the preindustrial world, a city cannot be defined by any one feature, whether a large population, a surrounding wall, or non-agricultural trades. A city is a human phenomenon characterized by a cluster of factors. (1) A city has multiple distinct kinship groups living in close proximity, such that they do business on a regular basis, run into one another in the market, and work side-by-side. No settlement could be rightly called a city if all the residents are directly related to one another under a single living patriarch or matriarch. (2) A city is run by a single, shared government structure. The authority of this government and its agents is acknowledged by the residents of the city. When that authority or that government is not acknowledged, the city will be in turmoil as competing claims to authority duke it out for power. If the multiple families living together each operate under their own rules, penalties, and rights, the settlement is not a city. (3) The word “city” does not only refer to the people who live together but also to the buildings—the homes, temples, granaries, palaces, stables, and whatever other permanent structures may be included. When Israel was in the wilderness, multiple families lived together under a single government, but they were not considered a city because they had no permanent structures. In the biblical world, the enclosing wall is one of these defining structures. (4) A city controls more land than it needs for its own subsistence. The word “city” does not only refer to the people

and buildings who live within an enclosing wall; it also refers to the land that is controlled by the residents of the city. But if all the residents are subsistence farmers, producing only enough for their own families and not a kernel more, we do not have a city. A city must control more land and so produce more food than is needed, so that there is a surplus. Cities also must determine what to do with this surplus. (5) The surplus gives rise to the need for some residents to work in occupations that are not directly responsible for the production or processing of food. Cities have a more diverse economy and labor force than non-urban settings, where a single family is responsible for producing all its own food, clothing, tools, medicine, and so on. Because shepherds tend to do business with the city in bringing milk or wool to trade for vegetables and tools, the less stationary shepherd is part of the city's ecosystem.

This is the kind of environment Deuteronomy has in mind when it legislates on Israel's life. We should expect this, since Deuteronomy emerged out of Israel's thoroughly urbanized monarchic period. The book is not ignorant of or romantic about city life. It is aware of the potential dangers, abuses, and loopholes of the city and calls Israel to a better way. What I have undertaken to show here is how Deuteronomy wants to see life work in the city. Having worked meticulously through the text, I think it prudent now to synthesize my findings into a portrait of Deuteronomy's ideal city.

A Portrait of the City

I begin by noting that the city in Deuteronomy is comprised of the covenant people of Yahweh. We do not have in this text a vision for all human cities, regardless of creed or color. The city we read about in Deuteronomy is bustling with men, women, and

children whose ancestors Yahweh rescued from slavery in Egypt. Indeed, they think of themselves as former slaves living on borrowed time on inherited land. Nothing they see, touch, or eat belongs to them but is received as a gift from their benevolent deity. To a person, everyone keeps him constantly in mind. Remembering Yahweh's mighty acts of faithfulness to the ancestors fosters a perpetual atmosphere of gratitude and benevolence.

To remind them of Yahweh's acts for them and expectations of them, each home has the Decalogue inscribed over the doorway. This memorable set of instructions narrates their delivery from oppression, summons them to faithfulness, and articulates how they are to treat one another not only in their actions but in their hearts. These words are the highest authority in the city, and everyone knows them. Even children are taught these words from dawn to dusk, constantly arranging their lives in accordance with these teachings.

The city has authority figures of course, namely the elders and judges. These men have reached an age where they have long meditated on the Decalogue and its commentary in the rest of Deuteronomy and are entrusted with the work of ensuring its teachings are kept. They sit at the entrance of the city where an additional copy of the Decalogue has been posted, discussing together how to handle the disputes that arise in a way that is faithful to their god. When they reach a verdict—whether about a rebellious son who has become a danger to the community, or about a murder case, or concerning sexual misconduct—they announce their decision and hand it over to the community to execute justice. If the matter is too complicated or they are unable to reach an agreement, they will travel to the mother-city, the capital, and inquire of the judge who is serving

there. This judge is not a higher authority, but a second opinion and a wise counselor. He decides the matter for the elders and judges to take with them to their city.

The city has no standing army, no professional militia, and no police force. Nearly everyone is a farmer or shepherd by trade, and the few who are not farmers are priests. The city does not need policing because of the general atmosphere of trust and mutual respect, but when there is misconduct, the citizens of the community are entrusted with executive power. When a threat to the whole city arises, such as from a foreign power, these farmers take up arms, trusting that the god who brought them out of Egypt will protect their homes from destruction despite their meager skill and experience.

With no military to fund, no government officials to pay, and education being focused on the Decalogue and taught by the parents, there is no need for tax. Every family keeps and lives off of what their land produces, which is always more than enough for them. But every year, they take a portion of their harvests to the central sanctuary and deposit it in a national granary. This charity is not given begrudgingly. It is given with gratitude to Yahweh for another year of abundance and generations of faithfulness. The food that is collected is given to widows, orphans, Levites, and foreigners—people who have no land of their own—but never to the poor.

No, there are no poor in this city. Nobody goes into debt to pay their taxes. Nobody has a bad harvest or an infertile cow since Yahweh continues to bless them. Neither are there any wealthy—real estate moguls, bankers, or tax collectors. Everyone has what they need and trust in Yahweh to provide. For this reason they live with an open hand, welcoming to their neighbors and strangers alike.

Yahweh's covenant people live out their days on their ancestral lands, submitting to the wisdom of those who have long pondered his commands, enjoying plenty of food with their neighbors and friends, and joyfully adhering to the commands of Deuteronomy.

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