

## THE COMPOSITIONAL FUNCTION AND LITERARY-HISTORICAL SETTING OF DEUTERONOMY 1–3<sup>1</sup>

For more than half a century, the question of the compositional function and literary-historical setting of Deuteronomy 1–3 seemed to have been answered once and for all with the appearance of Martin Noth's *Überlieferungsgeschichtliche Studien* in 1943<sup>2</sup>: Deuteronomy 1–3 were regarded as the introduction to a Deuteronomistic History extending to 2 Kings 25. Although the original extent and diachronic development of the Deuteronomistic History continued to be debated by Noth's successors, Noth's conclusions regarding Deuteronomy 1–3 were so firmly established that in 1982 Horst Dietrich Preuß could write: "Whoever says something

1. I wish to thank Stephen Germany for the translation of this updated and reworked version of my essay *Kompositorische Funktion und literarhistorischer Ort von Deuteronomium 1–3*, in M. WITTE – K. SCHMID – D. PRECHEL – J.C. GERTZ (eds.), *Die deuteronomistischen Geschichtswerke: Redaktions- und religionsgeschichtliche Perspektiven zur "Deuteronomismus"-Diskussion in Tora und Vorderen Propheten* (BZAW, 365), Berlin – New York, De Gruyter, 2006, 103-123. This topic is still a matter of ongoing debate, as was evident in the panel session entitled "Deuteronomy 1–3: The Beginning of History or the Introduction to a Separate Book?" at the SBL Annual Meeting in Boston 2017. I am grateful to Reinhard Müller for providing me with the text of his response to the papers presented there.

2. M. NOTH, *Überlieferungsgeschichtliche Studien: Die sammelnden und bearbeitenden Geschichtswerke im Alten Testament*. Tübingen, Niemeyer, <sup>3</sup>1967; abridged ET: *The Deuteronomistic History*, trans. E. Doull et al. (JSOT.S, 15), Sheffield, Sheffield Academic Press, <sup>2</sup>1991. For an overview of the more recent discussion, cf. T. RÖMER – A. DE PURY, *L'historiographie deutéronomiste (HD): Histoire de la recherche et enjeux du débat*, in A. DE PURY – T. RÖMER – J.-D. MACCHI (eds.), *Israël construit son histoire: L'historiographie deutéronomiste à la lumière des recherches récentes* (MoBi, 34), Geneva, Labor et Fides, 1996, 9-120, pp. 31-39; W. DIETRICH, *Martin Noth und die Zukunft des deuteronomistischen Geschichtswerkes*, in Id., *Von David zu den Deuteronomisten: Studien zu den Geschichtsüberlieferungen des Alten Testaments* (BWANT, 156), Stuttgart, Kohlhammer, 2002, 181-198; T. VEIJOLA, *Deuteronomismusforschung zwischen Tradition und Innovation* (III), in *TR* 68 (2003) 1-44; U. RÜTERSWORDEN (ed.), *Martin Noth – aus der Sicht der heutigen Forschung* (BTSt, 58), Neukirchen-Vluyn, Neukirchener Verlag, 2004; T. RÖMER, *The So-Called Deuteronomistic History: A Sociological, Historical and Literary Introduction*, London, T&T Clark, 2007, pp. 13-43; Id., *Das deuteronomistische Geschichtswerk und die Wüstentradition der Hebräischen Bibel*, in H.-J. STIPP (ed.), *Das deuteronomistische Geschichtswerk* (ÖBS, 39), Frankfurt a.M., Lang, 2011, 55-88, pp. 55-60; A. SCHERER, *Neuere Forschungen zu alttestamentlichen Geschichtskonzeptionen am Beispiel des deuteronomistischen Geschichtswerks*, in *Verkündigung und Forschung* 53 (2008) 22-39; C. LEVIN, *Nach siebzig Jahren: Martin Noths Überlieferungsgeschichtliche Studien*, in *ZAW* 125 (2013) 72-92.

today about Deut 1–3 must ... explain what else Deut 1–3 could be if not the introductory speeches to the DtrH”<sup>3</sup>.

The times have changed. The storm that has been sweeping over the classic models for the formation of the Pentateuch has now also reached Noth’s Deuteronomistic History hypothesis. Long forgotten entities such as the Hexateuch or Enneateuch have reappeared, albeit in a different form compared to the time before Noth<sup>4</sup>. The evaluation of Deuteronomy 1–3, which was foundational to Noth’s theory, has been affected by these developments in a variety of ways. This unit stands prominently not only at the beginning of the Deuteronomistic History, whose existence is now in question, but is also connected with four overlapping literary works: (1) the book of Deuteronomy, which is marked off on the one hand by the colophon in Num 36,13 and the superscription in Deut 1,1-5 and on the other hand by the death of Moses in Deut 34,1-9; (2) the Pentateuch, which is marked off by the epitaph to Moses in Deut 34,10-12; (3) a Hexateuch created by the retrospective in Joshua 24; and (4) the overarching history in the books of Genesis through Kings.

3. H.D. PREUSS, *Deuteronomium* (EdF, 164), Darmstadt, Wissenschaftliche Buchgesellschaft, 1982, p. 77 (“Wer heute etwas zu Dtn 1–3 sagt, muß ... einleuchtend machen, was Dtn 1–3 sonst noch sein könnten, wenn sie nicht die Einleitungsreden zum DtrG sind”).

4. Cf. the quite varied recent arguments for a Hexateuch or Enneateuch in K. SCHMID, *Erzväter und Exodus: Untersuchungen zur doppelten Begründung der Ursprünge Israels innerhalb der Geschichtsbücher des Alten Testaments* (WMANT, 81), Neukirchen-Vluyn, Neukirchener Verlag, 1999, pp. 139-143; 162-165 (ET: *Genesis and the Moses Story: Israel's Dual Origins in the Hebrew Bible*, trans. J.D. Nogalski [Siphrut, 3], Winona Lake, IN, Eisenbrauns, 2010); ID., *Deuteronomy within the “Deuteronomistic Histories” in Genesis–2 Kings*, in ID. – R.F. PERSON, JR. (eds.), *Deuteronomy in the Pentateuch, Hexateuch, and the Deuteronomistic History* (FAT, II/56), Tübingen, Mohr Siebeck, 2012, 8-30; R.G. KRATZ, *Die Komposition der erzählenden Bücher des Alten Testaments: Grundwissen der Bibelkritik* (UTB, 2157), Göttingen, Vandenhoeck & Ruprecht, 2000, pp. 208-210; 215 (ET: *The Composition of the Narrative Books of the Old Testament*, trans. J. Bowden, London, T&T Clark, 2005, pp. 200-202; 206-207); ID., *Der literarische Ort des Deuteronomiums*, in ID. – H. SPIECKERMANN (eds.), *Liebe und Gebot: Studien zum Deuteronomium. FS L. Peritt* (FRLANT, 190), Göttingen, Vandenhoeck & Ruprecht, 2000, 101-120; ID., *Der vor- und der nachpriesterschriftliche Hexateuch*, in J.C. GERTZ – K. SCHMID – M. WITTE (eds.), *Abschied vom Jahwisten: Die Komposition des Hexateuch in der jüngsten Diskussion* (BZAW, 315), Berlin – New York, De Gruyter, 2002, 295-323; J.C. GERTZ, *Mose und die Anfänge der jüdischen Religion*, in *ZTK* 99 (2002) 3-20; E. AURELIUS, *Zukunft jenseits des Gerichts: Eine redaktionsgeschichtliche Studie zum Enneateuch* (BZAW, 319), Berlin – New York, De Gruyter, 2003; C. FREVEL, *Die Wiederkehr der Hexateuchperspektive: Eine Herausforderung für die These vom deuteronomistischen Geschichtswerk*, in STIPP (ed.), *Geschichtswerk* (n. 2), 13-54; as well as the quite different theory of a post-Dtr Hexateuch redaction by E. OTTO, *Das Deuteronomium im Pentateuch und Hexateuch: Studien zur Literaturgeschichte von Pentateuch und Hexateuch im Lichte des Deuteronomiumrahmens* (FAT, 30), Tübingen, Mohr Siebeck, 2000; R. ACHENBACH, *Pentateuch, Hexateuch und Enneateuch: Eine Verhältnisbestimmung*, in *ZAR* 11 (2005) 122-154.

Thus, it is time to take up the question of “what else Deuteronomy 1–3 could be if not the introductory speeches to the DtrH” once again<sup>5</sup>. The search for an answer to this question begins with a brief review of Noth’s premises and arguments (I-III), followed by a discussion of the communicative form and literary function of Deuteronomy 1–3 within the context of the book of Deuteronomy (IV-V). My thesis is that Deuteronomy 1–3 can be described as a *relecture* of the preceding account of the wanderings in the wilderness. From the outset, this *relecture* served to integrate Deuteronomy into a non-Priestly narrative extending at least from Exodus to Joshua<sup>6</sup>.

### I. NOTH’S THESIS

Noth’s thesis of the Deuteronomistic History is based on the premise that the Deuteronomist was “the author of a history which brought together material from highly varied traditions and arranged it according to a carefully conceived plan”<sup>7</sup>. In order to isolate the beginning of the narrative, Noth argued as follows<sup>8</sup>: Given its close connection to the preceding narrative (particularly the appointment of Joshua and the conquest of Transjordan), Joshua 1 cannot be the beginning of an independent literary work. The style of Joshua 1 clearly shows that these topics must have been introduced previously. However, according to Noth the connection between the Pentateuch and the Former Prophets cannot be explained by the earlier

5. An important impetus for the following discussion is found in KRATZ, *Ort* (n. 4); R. HECKL, *Moses Vermächtnis: Kohärenz, literarische Intention und Funktion von Dtn 1–3* (ABG, 9), Leipzig, Evangelische Verlagsanstalt, 2004.

6. For a critique of the thesis proposed here, cf. T. RÖMER, „Entstehungsphasen des „deuteronomistischen Geschichtswerkes“, in WITTE *et al.* (eds.), *Die deuteronomistischen Geschichtswerke* (n. 1), 45-70, pp. 49-53; E. BLUM, *Pentateuch – Hexateuch – Enneateuch? Oder: Woran erkennt man ein literarisches Werk in der hebräischen Bibel?*, in T. RÖMER – K. SCHMID (eds.), *Les dernières rédactions du Pentateuque, de l’Hexateuque et de l’Enneateuque* (BETL, 203), Leuven, Leuven University Press – Peeters, 2007, 67-97, pp. 90-94 (ET: *Pentateuch – Hexateuch – Enneateuch? Or: How Can One Recognize a Literary Work in the Hebrew Bible*, in T.B. DOZEMAN – T. RÖMER – K. SCHMID [eds.], *Pentateuch, Hexateuch, or Enneateuch? Identifying Literary Works in Genesis through Kings* [Ancient Israel and Its Literature, 8], Atlanta, GA, Society of Biblical Literature, 2011, 43-71, pp. 64-67); ID., *Das exilische deuteronomistische Geschichtswerk*, in STIPP (ed.), *Geschichtswerk* (n. 2), 269-295; E. OTTO, *Deuteronomium 1–11. Erster Teilband: 1,1–4,43* (HTK.AT), Freiburg i.Br. – Basel – Wien, Herder, 2012, pp. 293f.

7. NOTH, *Überlieferungsgeschichtliche Studien* (n. 2), p. 10: “unter Verwendung überkommener Überlieferungen ... nach einheitlichem Plane und in einer sachgemäßen Gliederung” (quote from ET: p. 26).

8. Cf. *ibid.*, pp. 12-16.

proposals for a Deuteronomistic Enneateuch<sup>9</sup>, since there is no trace of a Deuteronomistic redaction in the books of Genesis to Numbers. Thus, for Noth, “We must look ... to the book of Deuteronomy for the beginning of Dtr’s work”<sup>10</sup>. This fits well with the fact that Deut 31,1-8 and Deuteronomy 34 contain elements of a narrative that is continued in Joshua 1. By extension, these elements connect back to Moses’ speech in Deuteronomy 1–3(4), which, according to Noth, “has nothing particular in common with the Deuteronomic law but is directly related to the Deuteronomistic history”<sup>11</sup>. All of this leads to Noth’s thesis that “Deuteronomy 1–3(4) is not the introduction to the Deuteronomic law but the beginning of the Deuteronomistic historical narrative and that this narrative begins therefore at Deut 1,1”<sup>12</sup>.

According to Noth, this conclusion, reached through a sort of “method of subtraction”<sup>13</sup>, is supported by several other textual observations: (1) Deut 31,1 reaches back beyond the Deuteronomic law and its parenetic frame to Deut 3,23-29 in terms of both diction and content; (2) in Deuteronomy 1–3 Moses describes the preceding events as a historian and not, as in Deuteronomy 5–11, as a teacher, which links Deuteronomy 1–3 with the speeches in the Deuteronomistic History and distinguishes them from the core of Deuteronomy in chapters 4–26; and (3) the selection of events from the older tradition of the wilderness wandering serves the narrative interests of the Deuteronomistic History.

## II. THE PREMISES OF NOTH’S THESIS

Let us have a closer look at Noth’s arguments I have just outlined. Obviously, from our present point of view, we cannot accept Noth’s premises without testing them. The unity of the Deuteronomistic History

9. *Ibid.*, pp. 12-13, with reference to J. HEMPEL, *Die althebräische Literatur und ihr hellenistisch-jüdisches Nachleben*, Wildpark-Potsdam, Athenaiion, 1930, p. 82; E. SELLIN, *Einleitung in das Alte Testament*, Leipzig, Quelle & Meyer, 1933, pp. 80f.

10. NOTH, *Überlieferungsgeschichtliche Studien* (n. 2), p. 13: “Der Anfang des Werkes von Dtr muß ... im Buche Dtn. gesucht werden” (quote from ET: p. 28).

11. *Ibid.*, p. 14: “gar keine spezielle Beziehung zum deuteronomischen Gesetze, wohl aber ein ganz unmittelbares Verhältnis zum deuteronomischen Geschichtswerk hat” (quote from ET: p. 29).

12. *Ibid.*: “daß wir es in Dtn. 1–3(4) nicht mit einer Einleitungsrede zum deuteronomischen Gesetz, sondern mit dem Eingang des deuteronomistischen Geschichtswerkes zu tun haben, daß dieses letztere also mit Dtn. 1,1 beginnt” (quote from ET: p. 29).

13. Cf. C. FREVEL, *Deuteronomistisches Geschichtswerk oder Geschichtswerke? Die These Martin Noths zwischen Tetrateuch, Hexateuch und Enneateuch*, in RÜTERS WÖRDEN (ed.), *Martin Noth* (n. 2), 60-95, p. 86.

claimed by Noth has long been disputed with regard to its literary as well as its thematic and conceptual homogeneity<sup>14</sup>. Points of debate include the sequence of different Deuteronomistic redactions with different profiles and scope, the juxtaposition of different Deuteronomistic redactions of the individual books within the history as a whole, the existence of partial collections (some of which may have already undergone Deuteronomistic editing), as well as various combinations of these ideas. A common feature of these different modifications of Noth's thesis is the increasingly held view that the texts that Noth cited as evidence for a unified history spanning from Deuteronomy to Kings – including Deuteronomy 1-3; Josh 1,1-9; 12,1-6; 23,1-16; Judg 2,11-3,6; 1 Sam 12,1-15; 1 Kgs 8,14-53; and 2 Kgs 17,7-23 – hardly go back to a single hand but instead reflect a highly complex history of composition<sup>15</sup>. The continuous chronology that Noth reconstructed and cited as evidence for the unity of the Deuteronomistic History also proves to be a later element<sup>16</sup>. Yet the conclusion that “[i]nsight into the gradual growth of the Deuteronomistic redaction in (Deuteronomy;) Joshua–Kings removes the basis from Noth's hypothesis”<sup>17</sup> was at first held by only a handful of scholars<sup>18</sup>. This view, however, seems to have recently gained more acceptance, as is indicated by the shift away from speaking of a single Deuteronomistic History and towards multiple Deuteronomistic Histories within the Enneateuch<sup>19</sup>. But even where

14. For a brief but instructive overview of the discussion and the positions mentioned in what follows, cf. *ibid.*, pp. 70-80 (with reference to further literature).

15. For this view, cf. KRATZ, *Komposition* (n. 4), p. 219 (ET: p. 216); FREVEL, *Geschichtswerk* (n. 13), pp. 77f. with n. 57. For the opposing view, see J. NENTEL, *Trägerschaft und Intention des deuteronomistischen Geschichtswerks: Untersuchungen zu den Reflexionsreden Jos 1; 23; 24; 1 Sam 12; 1 Kön 8* (BZAW, 297), Berlin – New York, De Gruyter, 2000 and the critique of the latter in VEIJOLA, *Deuteronomismuskforschung* (n. 2), pp. 18-20. Here it should be noted that according to Nentel these interpretive texts stem from a very late redaction of the Deuteronomistic History (“DtrS”) and thus can hardly be used as an argument for the unity of a first edition of the Deuteronomistic History as postulated by Noth.

16. On this problem, see F.-E. FOCKEN, *Zwischen Landnahme und Königtum: Literarkritische und redaktionskritische Untersuchungen zum Anfang und Ende der deuteronomistischen Richterergählungen* (FRLANT, 258), Göttingen, Vandenhoeck & Ruprecht, 2014, pp. 22-30; 223-226.

17. KRATZ, *Komposition* (n. 4), p. 219: “[d]ie Einsicht in das allmähliche Wachstum der deuteronomistischen Redaktion in (Dtn) Jos–Reg ... der Hypothese Noths die Grundlage [entzieht]” (quote from ET: p. 216).

18. Cf. G. FOHRER, *Einleitung in das Alte Testament*, Heidelberg, Quelle & Meyer, 121979, pp. 209-212; 248.

19. See esp. the brief overview in E. WÜRTHWEIN, *Erwägungen zum sog. deuteronomistischen Geschichtswerk: Eine Skizze*, in Id., *Studien zum Deuteronomistischen Geschichtswerk* (BZAW, 227), Berlin – New York, De Gruyter, 1994, 1-11. The proposals differ significantly in their details. Besides the evaluation of Noth's hypothesis as an “error of scholarship” (“Irrweg der Forschung”) by KRATZ, *Komposition* (n. 4), p. 219 (quote

this conclusion is not (yet) in view, it has become clear that the disunity of the Deuteronomistic History and its complex history of composition has implications for the question of its beginnings. One need only think of Norbert Lohfink's prominent theory of a Deuteronomistic conquest narrative in Deuteronomy 1–Joshua 24 (DtrL) dating to the time of Josiah<sup>20</sup>.

Noth's second premise – that no trace of a Deuteronomistic redaction in the books of Genesis to Numbers can be found<sup>21</sup> – has also been questioned and cannot be maintained. While Noth himself conceded the existence of Dtr-style additions in the book of Exodus<sup>22</sup>, the amount of material ascribed to a Dtr-style redaction in the books of Genesis through Numbers has increased significantly, going as far as Erhard Blum's thesis of a thoroughgoing "D-Komposition" in these books<sup>23</sup>. It is not necessary to list all of these Dtr-style texts here. In any case, it is no longer possible to postulate a clear redactional break between Numbers and Deuteronomy through the theory of a non-Deuteronomistic Tetrateuch<sup>24</sup>. Thus, Noth's main objection to the earlier theory of a Deuteronomistically revised Enneateuch should be abandoned<sup>25</sup>. As a result, it must be seriously asked

from ET: p. 216), the assumption of different "Deuteronomistic Histories" has also been adopted by those who continue to maintain Noth's basic hypothesis. For example, RÖMER, *Entstehungsphasen* (n. 6), pp. 58f.; Id., *History* (n. 2), pp. 67-106, considers that the Deuteronomistic History began as a "Deuteronomistic library" in which earlier editions of the books of Deuteronomy and Joshua as well as of Samuel–Kings existed on separate scrolls and, although they were not edited by the same individuals, probably did stem from like-minded scribes and officials connected to the royal court in Jerusalem. Here, particular importance is ascribed to the book of Judges, which was inserted by a later Dtr redactor as a link between the (Dtr) Hexateuch and the (Dtr) historiography in 1 Samuel–2 Kings. On this, see FOCKEN, *Landnahme* (n. 16) as well as the similar observations by W. GROSS, *Das Richterbuch zwischen deuteronomistischem Geschichtswerk und Enneateuch*, in STIPP (ed.), *Geschichtswerk* (n. 2), 177-205.

20. N. LOHFINK, *Kerygmata des Deuteronomistischen Geschichtswerks*, in J. JEREMIAS – L. PERLITT (eds.), *Die Botschaft und die Boten: FS H.W. Wolff*, Neukirchen-Vluyn, Neukirchener Verlag, 1981, 87-100.

21. NOTH, *Überlieferungsgeschichtliche Studien* (n. 2), p. 13.

22. Cf. M. NOTH, *Überlieferungsgeschichte des Pentateuch*, Stuttgart, Kohlhammer, 1966, pp. 32f. nn. 106.108.109.112.113. Among other texts, Noth mentions Exod 12,24-27a; 13,1-16; 15,25b.26; 16,4bβ.28; 19,3b-9a(b); 32,7-14.

23. Cf. E. BLUM, *Studien zur Komposition des Pentateuch* (BZAW, 189), Berlin – New York, De Gruyter, 1990.

24. On this point, cf. also SCHMID, *Deuteronomy* (n. 4), pp. 8-11.

25. Considering that the book of Exodus – unlike the book of Genesis – shows significant linguistic and thematic connections to the (multilayered) book of Deuteronomy, and also considering the arguments for a non-Priestly exodus narrative that is largely independent of the book of Genesis (cf. most recently J.C. GERTZ, *The Relative Independence of the Books of Genesis and Exodus*, in C. BERNER – H. SAMUEL [eds.], *Book-Seams in the Hexateuch. I: The Literary Transitions between the Books of Genesis/Exodus and Joshua/Judges* [FAT, 120], Tübingen, Mohr Siebeck, 2018, 55-72), one of the "Deuteronomistic Histories" could easily have begun with an earlier non-Priestly exodus narrative.

whether Deuteronomy 1-3 could only have served as the introduction to the Deuteronomistic History. The evaluation of this assumption will begin with Noth's own observations on Deuteronomy 1-3 in support of his thesis.

### III. AN EVALUATION OF NOTH'S TEXTUAL OBSERVATIONS

Noth's statement that Deut 31,1ff. connects back to Deut 3,23-29 in terms of language and content should not necessarily be understood as meaning that Deuteronomy 1-3; 31-34 and Joshua 1 originally constituted a self-contained text into which the Deuteronomic law was later inserted<sup>26</sup>. Once this is recognized, the connection loses much of its argumentative weight for Noth's thesis – not to mention the fact that Deuteronomy 1-3; 31-34 are themselves literarily composite.

The only thing that is certain is that the end of the address in Deut 3,23-29 reminds the reader that, despite Moses' entreaties, Yhwh refused to let Moses enter the land and instead instructed Moses to appoint Joshua as his successor. This requires a corresponding notice that Yhwh's will has been enacted, which occurs in Deuteronomy 31-34 with the narrative of Moses' appointment of Joshua, his view of the land, and his death. In contrast, it is not possible to conclude with certainty that Deut 31,1ff. presupposes Moses' introductory speech in Deuteronomy 1-3. At the very least, it is possible to conjecture a Deuteronomistic base text in Deut 31,1.2a.7f.; 34,1-6\*<sup>27</sup> that made explicit reference to 3,23-29 only in later additions. In the base text, Moses realizes that he is too old to lead the people in the conquest of the land (31,1.2a) and thus appoints Joshua as his successor (31,7f.). After Yhwh allows him to view the land, Moses then dies (34,1-6). The necessary information here – Moses' death outside the land and Joshua's leadership in the conquest – is derived from Deut 34,5\* and the narratives in the book of Joshua. In contrast, the fact

26. See esp. G. VON RAD, *Das fünfte Buch Mose: Deuteronomium* (ATD, 8), Göttingen, Vandenhoeck & Ruprecht, 1964, p. 33 and T. VEIJOLA, *Principal Observations on the Basic Story in Deuteronomy 1-3*, in M. AUGUSTIN – K.D. SCHUNK (eds.), "Wünschet Jerusalem Frieden": *Collected Communications to the XIIIth Congress of the International Organization for the Study of the Old Testament, Jerusalem 1986* (BEATAJ, 13), Frankfurt a.M. – Bern – New York – Paris, Lang, 1988, 249-259, pp. 253-255. Cf. L. PERLITT, *Deuteronomium* (BK.AT, V/1), Neukirchen-Vluyn, Neukirchener Verlag, 2013, pp. 33f.; KRATZ, *Ort* (n. 4), p. 110.

27. On this and on what follows, cf. KRATZ, *Ort* (n. 4), pp. 102-104. The term "Deuteronomistic base text" is not completely accurate, since Deut 31,1-6\* most likely had a pre-Dtr account of Moses' death as a *Vorlage*. Cf. KRATZ, *Komposition* (n. 4), p. 291 (ET: p. 283); GERTZ, *Mose* (n. 4), p. 9.

that Joshua is appointed at Yhwh's command, which Deut 3,28 "recalls" with a look back to Num 27,12f. and forward to Josh 1,6, is known only by a later editor who adds this detail in 31,3-6.

Noth's second observation focused on the diction of Deuteronomy 1-3, which clearly distinguishes the first introductory speech from the parenetic speeches in Deuteronomy 5-11. This is indisputable, even though the historical retrospective – as a "paradigm for a history of faithfulness or faithlessness, salvation or destruction"<sup>28</sup> – still has a parenetic flavor. Yet before evaluating the differing diction as evidence of textual growth, it should be asked what function such diction has within its literary context. I will return to this question further below. Suffice it to say here that regardless of the differences with the parenetic framework in Deuteronomy 5-11, the diction of Deuteronomy 1-3 does not allow these chapters to be closely connected to the other interpretive speeches within the Deuteronomistic History. A speech recounting past events that both the speaker and the audience have experienced is a "singular stylistic phenomenon"<sup>29</sup> within Deuteronomistic literature.

Noth's third observation related to the selection of topics in Deuteronomy 1-3, which – according to him – was governed by the interests of the Deuteronomistic Historian. Of all the arguments derived from Deuteronomy 1-3, Noth seems to have given this one the greatest weight, although a brief evaluation of Noth's most important observations reveals the ambiguity of the evidence: (1) According to Noth, Deuteronomy 1-3 gives an account of the conquest by the Transjordanian tribes in anticipation of their involvement in the conquest of Cisjordan as described in Josh 1,12-18. The literary connection is beyond dispute. However, Josh 1,12-18 probably did not belong to the most basic material in the chapter and thus cannot be used in reconstructing the earliest version of a Deuteronomistic conquest narrative<sup>30</sup>. (2) According to Noth, the detailed recapitulation of the story of the spies in Deut 1,19-46 serves to explain the conquest from the east (rather than from the south, as one might expect).

28. PERLITT, *Deuteronomium* (n. 26), p. 31 ("Paradigma einer Unglaubens- oder Glaubens-, einer Unheils- oder Heilsgeschichte").

29. *Ibid.*, p. 27 ("singuläre[s] stilistische[s] Phänomen").

30. Cf. V. FRITZ, *Das Buch Josua* (HAT, 1/7), Tübingen, Mohr Siebeck, 1994, pp. 30f. Here, a self-correction vis-à-vis the original version of this article is in order, since there the relationship between Deuteronomy 1-3 and Joshua 1-11 was not given sufficient attention. On this, cf. LOHFINK, *Kerygmata* (n. 20), pp. 92-100, who provides strong arguments for the conclusion that Deuteronomy 1-3 pointed ahead to the book of Joshua from the outset, as well as PERLITT, *Deuteronomium* (n. 26), p. 29 (without specifying the relationship to the book of Joshua). Ruth Ebach focused on this aspect in her paper presented in the panel mentioned in n. 1. I am grateful to her for providing me with a copy of the manuscript.

Yet this narrative function appears already in the non-Priestly story of the spies in Numbers 13f.\* and is therefore not uniquely Deuteronomistic. Moreover, such an explanation is in fact only necessary if the aim was to harmonize (a) the narrative setting of Deuteronomy immediately prior to the entry into the land, (b) the conquest narratives in Joshua 1-12, and (c) the wilderness narratives in the book of Numbers. (3) According to Noth, the fact that Moses' speech in Deuteronomy 1-3 begins with the Israelites' sojourn at the mountain of God results from the need for a prominent starting point for the Deuteronomistic History. This is also questionable. The selection of such a prominent beginning exacerbates the challenge that the promulgation of the law at Sinai/Horeb and in Moab had to be painstakingly coordinated in the subsequent chapters of the book of Deuteronomy. The evidence can be interpreted quite differently, however, if the coordination of the promulgation of the law at Sinai/Horeb and in Moab was necessitated by the existing literary context that lay before the author of Deuteronomy 1-3. In this case, the geographical and literary connection between the mountain of God and Moab would be one of the central themes of Moses' speech.

#### IV. DEUTERONOMY 1-3 AS A *RELECTURE*

As is well known, almost all of the narrative material in Deuteronomy 1-3 also appears in Numbers 11-32<sup>31</sup>. Lothar Perlitt aptly described the significant differences between these two textual units and their diachronic implications: In the book of Numbers, the narratives are "scattered, orderless, mixed with legislative material, embedded in several non-Dtr layers, and rounded out with priestly materials. In contrast, in Deuteronomy 1-3 they are literarily compact, oriented geographically, adapted to each other through the form of the speech, and given a unified theological emphasis. If literary comparison has any meaning at all, then the following applies: The disorderly precedes the orderly, the diversity of forms precedes their unification, etc."<sup>32</sup>. Indeed, the majority of

31. The exception – in addition to the so-called "antiquarian notices" – is Deut 2,18-23\*, which is generally regarded as a later addition. Cf. (with slightly differing delimitations of the redactional material) PERLITT, *Deuteronomium* (n. 26), pp. 145-150; T. VEIJOLA, *Das fünfte Buch Mose: Deuteronomium. Kapitel 1,1-16,17* (ATD, 8/1), Göttingen, Vandenhoeck & Ruprecht, 2004, pp. 54-67; OTTO, *Deuteronomium 1-11* (n. 6), pp. 418-423.

32. L. PERLITT, *Deuteronomium 1-3 im Streit der exegetischen Methoden*, in N. LOHFINK (ed.), *Das Deuteronomium: Entstehung, Gestalt und Botschaft* (BETL, 68), Leuven, Leuven University Press – Peeters, 1985, 149-163, pp. 160f. ("Dort sind sie verstreut, ungeordnet, mit legislativem Material vermischt, in mehrere nicht-dtr Schichten eingebettet und

scholarship assumes a direct literary connection between the two texts, with Deuteronomy 1–3 regarded as generally dependent on the texts in Numbers, although there are also cases in which the source texts in Numbers were later reworked in light of Deuteronomy 1–3.

One example for a text from the book of Numbers that in its final form is influenced by Deuteronomy 1–3 is Numbers 13f. The composition of that narrative is complex and cannot be dealt with in passing, either in and of itself or in comparison to Deuteronomy 1–3. Here, it is sufficient to elaborate on the preceding observations regarding the bidirectional literary relationship as follows: Numbers 13f. combines non-P and P-like materials, although the existence of the classic Pentateuchal sources (including P) in Numbers 13f. is generally (and probably rightly) disputed. Notably, the most basic material in Deuteronomy 1–3 does not have connections to the P-like passages. Assuming that the author of Deuteronomy 1–3 has not performed his own source-critical analysis of Numbers 13f., he most likely knew only the non-Priestly version (in whatever form). This conclusion is admittedly complicated by the fact that the non-Priestly passages in Numbers 13f. are closely intertwined with the P-like texts. In order to explain this, some models reckon with a third source<sup>33</sup>.

A very confident and elaborate reconstruction of the literary history of the respective passages has been conducted by Eckart Otto and Reinhard Achenbach<sup>34</sup>. Otto distinguishes two Dtr redactions – an earlier “Horeb redaction” and a later “Moab redaction” – followed by a Hexateuch redaction and a Pentateuch redaction. According to Otto, the Horeb redaction in Deuteronomy 5–11\* reshaped the late pre-exilic program of reform in Deuteronomy 12–26; 28\* into a speech by Moses at Mount Horeb in which Moses expounds the Decalogue through the laws in Deuteronomy 12–26. In the Moab redaction in Deuteronomy 1–3\*, Moses recapitulates the people’s wandering from Horeb to the Plains of Moab, thus creating a bridge to the Deuteronomistic book of Joshua in Joshua 1–12\*.

schließlich priesterschriftlich arrondiert. In Dtn 1–3 dagegen sind sie literarisch komprimiert, geographisch orientiert, in der Redeform aneinander adaptiert und theologisch einheitlich akzentuiert. Wenn literarischer Vergleich überhaupt einen Sinn hat, dann gilt: das Ungeordnete geht dem Geordneten voraus, die Vielfalt der Formen geht deren Vereinheitlichung voraus – etc.”).

33. Cf. BLUM, *Studien* (n. 23), pp. 180f.; RÖMER, *History* (n. 2), p. 125 n. 32, who states cautiously: “It seems quite obvious that the Deuteronomists did not simply make up these accounts. But it is impossible to reconstruct and to locate these older traditions”.

34. Cf. R. ACHENBACH, *Die Erzählung von der gescheiterten Landnahme von Kadesch Barnea (Numeri 13–14) als Schlüsseltext der Redaktionsgeschichte des Pentateuchs*, in ZAR 9 (2003) 56–123; OTTO, *Deuteronomium* (n. 4), pp. 12–109; ID., *Deuteronomium 1–11* (n. 6), pp. 238–257.

This redaction consciously departs from P by shifting the promulgation of Deuteronomy from Mount Horeb to the Jordan and by having the generation that stood at the mountain of God die on account of its lack of faith in Yhwh's promise. Here, the Moab redaction took up an earlier version of the story of the spies in Deut 1,19-46, which was later incorporated into Numbers 13f. by the Hexateuch redaction that was responsible for Numbers 10-32\*. This redaction drew on Deuteronomy 1-3 as well as its narrative sources<sup>35</sup>.

A look at the various reconstructions of a supposedly older version of the story of the spies, however, shows what is only to be expected: In light of the figures of Joshua and Caleb as well as the themes of conquest and the wilderness journey of "all Israel", the story of the spies has a larger, "Hexateuchal" narrative horizon in view, which is decisive for the following understanding of Deuteronomy 1-3 as a *relecture*.

Seen from the book of Numbers, Deuteronomy 1-3 could be characterized as a systematizing and even disruptive recapitulation within the narrative of the Pentateuch that serves to mark a distinct break with what precedes – in other words, the beginning of a new literary work<sup>36</sup>. Yet the initial impression of a literary break results mainly from the colophon in Num 36,13 and the later expansion of Deut 1,1-5 into a superscription to the book of Deuteronomy<sup>37</sup>, both of which are part of the separation of books within the Pentateuch. If these texts are left out of consideration, then the impression of a disruptive recapitulation of the preceding

35. Cf. OTTO, *Deuteronomium 1-11* (n. 6), p. 171. Otto postulates a similar source-critical procedure by the redactors in the Sinai pericope, where, in his view, the later Pentateuch redaction (fourth century BCE) drew on the sources used by the Horeb redaction, namely, the Covenant Code from the eighth century BCE, which had already been used as a source for Deuteronomy 12-26 and which was first situated at Sinai – together with the Decalogue in Exodus 20 – by the Pentateuch redaction. One of the many assumptions that this theory requires is the view that the non-Priestly narratives in the book of Exodus draw on older material but are nevertheless post-Priestly. In my view, such a view cannot be maintained. On Exodus 32-34\*, cf. J.C. GERTZ, *Beobachtungen zu Komposition und Redaktion in Exodus 32-34*, in M. KÖCKERT – E. BLUM (eds.), *Gottes Volk am Sinai* (VWGT, 18), Gütersloh, Gütersloher Verlag, 2001, 88-106; M. KONKEL, *Sünde und Vergebung: Eine Rekonstruktion der Redaktionsgeschichte der hinteren Sinaiperikope (Exodus 32-34) vor dem Hintergrund aktueller Pentateuchmodelle* (FAT, 58), Tübingen, Mohr Siebeck, 2008; H. STOPPEL, *Von Angesicht zu Angesicht: Overtüre am Horeb. Deuteronomium 5 und 9-10 und die Textgestalt ihrer Folie* (ATANT, 109), Zürich, Theologischer Verlag Zürich, 2018.

36. Cf. the well-known conclusion of Julius Wellhausen: "Denn Kap. 1-4 hat offenbar nicht den Zweck, an die vorhergehende Erzählung anzuknüpfen, vielmehr sie ausführlich zu recapitulieren, d. h. zu ersetzen" (J. WELLHAUSEN, *Die Composition des Hexateuchs und der historischen Bücher des Alten Testaments*, Berlin, Reimer, 31899, p. 193).

37. For a diachronic analysis of Deut 1,1-5 (and its difficulties), cf. PERLITT, *Deuteronomium* (n. 26), pp. 1-24.

narratives by Deuteronomy 1–3 is undermined by the styling of the chapters as a retrospective speech by Moses within the narrative context of Deuteronomy<sup>38</sup>. Within the broader narrative of the Pentateuch, the anonymous narrator first recounts the events during the wilderness wandering in the book of Numbers and then refers to a speech in which Moses interprets these events in Deuteronomy 1–3. Thus, in the narrative world of the book of Deuteronomy, Moses is described as reminding his audience of events that he experienced together with them. In this way, Moses explains to the listeners their history. In contrast, the anonymous narrator of *the book* addresses his *readers*. And just as Moses can assume that his listeners will remember events that they experienced together, so too can the narrator of the book assume that his readers have knowledge of other texts<sup>39</sup>.

In this respect, the characterization of Deuteronomy 1–3 as a doublet, repetition, or the like fails already on the basis of the intentionally chosen form of communication in this section<sup>40</sup>. In the words of Jean-Pierre Sonnet, it is possible to describe Deuteronomy in general and Deuteronomy 1–3 in particular as “an act of communication about an act of communication”<sup>41</sup>. Thus, it seems more fitting to describe the relationship between the receiving text in Deuteronomy 1–3 and its reference text in the book of Numbers as a *relecture*, which also requires fewer assumptions about the diachronic relationship between the two texts. For the concept of *relecture*, reference can be made to the observations of Andreas Dettwiler on the Johannine farewell speeches<sup>42</sup>. *Relecture* is an

38. On this, cf. J.-P. SONNET, *The Book within the Book: Writing in Deuteronomy* (BIS, 14), Leiden – New York, Brill, 1997, pp. 9–40; see also the observations on the different “voices” and levels of communication in Deuteronomy in N. LOHFINK, *Die Stimmen in Deuteronomium 2*, in *BZ* 37 (1993) 209–235; Id., *Narrative Analyse von Dtn 1,6–3,29*, in E. BLUM (ed.), *Mincha: FS R. Rendtorff*, Neukirchen-Vluyn, Neukirchener Verlag, 2000, 121–176. However, I would give more emphasis to the connections with the larger Pentateuchal narrative than to the final separation of books and thus prefer to speak of a detailed introduction to a “book within a book”.

39. Cf. also N. LOHFINK, *Darstellungskunst und Theologie in Dtn 1,6–3,29*, in *Bib* 41 (1960) 105–134.

40. This was rightly noted already by A. DILLMANN, *Die Bücher Numeri, Deuteronomium und Josua* (Kurzgefasstes exegetisches Handbuch, 13), Leipzig, Hirzel, 21886, pp. 228–231; cf. more recently KRATZ, *Ort* (n. 4), p. 109.

41. SONNET, *Book* (n. 38), p. 1.

42. Cf. A. DETTWILER, *Die Gegenwart des Erhöhten: Eine exegetische Studie zu den johanneischen Abschiedsreden (Joh 13,31–16,33) unter besonderer Berücksichtigung ihres Relecture-Charakters* (FRLANT, 169), Göttingen, Vandenhoeck & Ruprecht, 1995, pp. 46–52, who is strongly influenced by O.H. STECK, *Prophetische Prophetenauslegung* (1993), in Id., *Die Prophetenbücher und ihr theologisches Zeugnis: Wege der Nachfrage und Fährten zur Antwort*, Tübingen, Mohr Siebeck, 1996, 127–204.

intertextual phenomenon in which the receiving text further develops – and thereby sheds new light on – its reference text. This results in a new overall understanding of both texts that presupposes a diachronic textual development and at the same time presents a new synchronic relationship between the two texts. Here, the receiving text assumes that the contents of the reference text are still fundamentally valid; thus, the receiving text was conceived as a form of *reception* from the outset.

This model applies quite well to Deuteronomy 1–3. Within the context of the Pentateuch, the narrative of the wilderness wandering is co-present in Moses' retrospective speech, such that we justifiably can speak of intertextuality here. The relationship between the reference text and the receiving text can be considered from both a synchronic and a diachronic perspective: As part of the narrative of the Pentateuch, both texts can and must be read alongside each other synchronically, namely, as events and their interpretation. In such a reading, each text influences how the other text is understood. The receiving text clearly presupposes the reference text, if for no other reason than the fact that it is cast as a reminiscence of the events described in the reference text. At the same time, the receiving text influences how the reference text is understood. It certainly makes a difference whether the narrative of the wilderness wandering in the book of Numbers "merely" leads to the conquest of Transjordan and the death of Moses or whether this narrative serves to bring Moses, the Israelites, and the readers gradually closer to the place where Yhwh's laws would be made known in full to the people. Yet the relationship between the reference text and the receiving text should also be considered diachronically, as Perlitt's observations have made clear and as is indicated by the fact that the reference text contains additions that reflect an effort to coordinate it with the receiving text. The latter clearly still regards the reference text as valid, as is indicated by the fact that Deuteronomy 1–3 switches from an account by the anonymous narrator to a speech quoted by him. Within the narrative of the Pentateuch, this shift in perspective makes clear that Deuteronomy 1–3 is not a doublet or a replacement of what precedes. Moreover, the author of Deuteronomy 1–3 did not fulfill his aim through insertions in the book of Numbers itself or – if Deuteronomy 1–3 is regarded as the beginning of a new literary work – by simply omitting the content of the earlier narrative. Ultimately, the literary form of a retrospective speech by Moses that is quoted by the narrator of the book of Deuteronomy shows that Deuteronomy 1–3 was conceived as a *reception* of the reference text from the outset.

The appropriateness of the term *relecture* for Deut 1,6ff. is indirectly supported by the introduction to Moses' speech. The notice in Deut 1,5, which is widely regarded as a later addition<sup>43</sup>, states: "Beyond the Jordan, in the land of Moab, Moses began to expound (באר *Piel*) this Torah". The meaning of the verb באר is particularly significant to the present discussion but is also philologically difficult<sup>44</sup>. If one follows IQDM 2,8 and the ancient versions in understanding באר as "to expound, interpret", then Deut 1,5 would be a back-reference to a preceding context: The narrator of Deuteronomy defines the speech of Moses that follows (לאמר) – what Perlitt refers to as "the parenetically and historically framed 'Law'"<sup>45</sup> – as exegesis<sup>46</sup>.

Thus, assuming that the commentary of the book narrator in Deut 1,5 indeed describes the historical reminiscence in Deut 1,6–3,29 as exegesis, this comes quite close to our concept of *relecture*<sup>47</sup>, although this understanding of Deut 1,5 admittedly remains a matter of debate. If the self-referential quality of the expression את־התורה הזאת is considered with a view to the further references to the Torah or the "book of the Torah" in Deuteronomy as well as to the other attestations of באר in Deut 27,8 and Hab 2,2 and to the Akkadian verb *bâru*, then it seems likely that באר has an explicative function and can be translated as "to do something clearly"<sup>48</sup>. In contrast, the clearly attested postbiblical understanding of באר

43. Cf., e.g., PERLITT, *Deuteronomium* (n. 26), p. 20.

44. For further discussion, cf. *ibid.*, pp. 22f. (with the translation "deutlich lehren / teach clearly", "[rechtswirksam] bezeugen / testify [as legally valid]" and a detailed rejection of the translation "schreiben, aufzeichnen / write, record" proposed by S. MITTMANN, *Deuteronomium 1,1–6,3 literarkritisch und traditionskritisch untersucht* (BZAW, 139), Berlin – New York, De Gruyter, 1975, pp. 14f.); SONNET, *Book* (n. 38), pp. 29–32 ("make explicit, expound"); G. BRAULIK – N. LOHFINK, *Deuteronomium 1,5 באר את־התורה הזאת: „er verlieh dieser Tora Rechtskraft“*, in K. KIESOW – T. MEURER (eds.), *Textarbeit: Studien zu Texten und ihrer Rezeption aus dem Alten Testament und der Umwelt Israels. FS P. Weimar* (AOAT, 294), Münster, Ugarit-Verlag, 2003, 35–51 (with the proposed translation used in the title of the essay: "He gave this Torah legal validity").

45. PERLITT, *Deuteronomium* (n. 26), p. 24 ("das paränetisch und historisch gerahmte 'Gesetz'").

46. On the significance of Deut 1,5 for the (self-)understanding of Deuteronomy, cf. also OTTO, *Deuteronomium 1–11* (n. 6), pp. 302; 320; SCHMID, *Deuteronomy* (n. 4), pp. 16f.

47. Here, it cannot be objected that the preceding promulgation of the law (but cf. Exod 24,12) – particularly the combination of "story" and "law" in (Genesis; Exodus) Numbers – is late and occurred only in connection with the concept of תורה from Deuteronomy. Decisive for understanding Deut 1,5 is the fact that the received connection of Deuteronomy to the rest of the Pentateuch makes every effort (1) to emphasize the agreement between the Deuteronomic law and the Sinaitic law and (2) to explain Deuteronomy as an exposition of the preceding revelation in the Pentateuch.

48. Thus BLUM, *Pentateuch* (n. 6), p. 86.

in the sense of “interpret” can be traced back to a reading of Deut 1,5 in the canonical context of the Torah<sup>49</sup>. The translation “Moses began to clearly expound this Torah” thus makes Deut 1,(1-)5 “a sort of ‘integrated title’ to the book that lies before the readers and also indicates what kind of book it is: a ‘Torah’, i.e., ‘instruction’”<sup>50</sup>. Nevertheless, this view has in its favor the fact that Deut 1,5 could have been added during the process of reworking Deut 1,1-5 into a superscription to the book of Deuteronomy (not to a Deuteronomistic History!). Yet even in this case, the understanding of Deuteronomy 1-3 as a *relecture* is appropriate, since – in light of the postbiblical understanding of באר – it “survived” the separation of books within the Pentateuch.

The understanding of Deuteronomy 1-3 as *relecture* does not necessarily mean, however, that the process of reception took place within one and the same “book”. It is also conceivable that this process involved the creation of a new composition, such as in Chronicles, the book of *Jubilees*, or the Temple Scroll. Of course, in these cases it is not always clear to what extent the receiving text influenced the understanding of the reference text, creating a new “totality of meaning”<sup>51</sup> as postulated in the model of *relecture*. Although the question of whether the *relecture* is within or outside the same book as its reference text is of somewhat lesser importance for an adequate understanding of the receiving text, I would still like to pose this question with regard to Deuteronomy 1-3 and to inquire into the function of the introductory speech from a composition-historical perspective.

## V. THE LITERARY-HISTORICAL SETTING OF THE *RELECTURE* IN DEUTERONOMY 1-3

Deuteronomy 1-3 is a carefully composed speech that combines narrative artistry and an interest in the theology of history<sup>52</sup>. This can be seen not least through comparison with the reference texts in the book of Numbers. In terms of composition history, a decisive question is whether Deuteronomy 1-3 served from the outset to integrate Deuteronomy within

49. Cf. *ibid.*

50. *Ibid.* (“so etwas wie einen ‘integrierten Titel’ für das den Lesern vorliegende Buch, und gibt damit zugleich an, um welche Art von Buch es sich handelt: um eine ‘Tora’, d.h. ‘Lehre’”).

51. DETTWILER, *Gegenwart* (n. 42), p. 47 (“Sinntotalität”).

52. Cf. esp. LOHFINK, *Darstellungskunst* (n. 39); PERLITT, *Deuteronomium* (n. 26), pp. 26-34.

its present narrative context. An initial indication that this is the case can be found in Noth's critique of the arguments against a new literary beginning in Deuteronomy 1–3, as was shown above: The abrupt beginning of an independent literary work through a speech by Moses in Transjordan that simultaneously presupposes knowledge of the wilderness narratives in the book of Numbers is opposed by the observation that Deuteronomy 1–3 seamlessly continues the preceding narrative. It is also notable that the connections between Deuteronomy 1–3 and the book of Joshua have frequently been understood as serving to integrate Deuteronomy into the surrounding narrative. In view of the preceding narrative, however, this is precisely what is denied. Doing so overlooks the fact that the textual references backwards and forwards in Deuteronomy 1–3 are equally strong. Thus, it is difficult to argue for a simultaneous *connection* with the book of Joshua and *separation* from the book of Numbers. Another argument against a separation from the book of Numbers is the description of Moses' death in Deuteronomy 34, that on the one hand is always seen in connection with Deuteronomy 1–3 and on the other hand continues the narrative thread of the book of Numbers.

More significant, however, is the redactional necessity of incorporating an originally independent Deuteronomy into its present narrative context: The basic redactional problem could have been the thematic, historical, and geographical coordination of the Deuteronomic law and its parenetic frame with the giving of the law at Sinai and its narrative context. The thematic coordination occurred through the later expansion of the original opening of Deuteronomy (Deut 4,45\*; 5,1a<sub>1</sub>; 6,4) with the Decalogue and its narrative frame in Deut 5,1–6,3\*<sup>53</sup>, a unit which displays many structural parallels with Deuteronomy 1–3: This unit is once again a retrospective speech by Moses quoted by the narrator of Deuteronomy; once again Moses addresses Israel in the second-person plural and uses the first-person plural where necessary; and once again Moses recalls events that he experienced together with Israel and that were described in the

53. The arguments for identifying Deut 5,1a<sub>2</sub>–6,3 as a later addition are well known (cf. VEIJOLA, *Deuteronomium* [n. 31], p. 129 with further literature): In addition to the plural form of address instead of the earlier singular form it is the observation that Deut 5,1 anticipates the command שמע ישראל "Hear, Israel" from Deut 6,4. This fact, together with the modified *Wiederaufnahme* of the call to hear in 6,3 (ושמעת ישראל) immediately before the שמע ישראל "Hear, Israel" in 6,4, strongly suggests that Deut 5,1a\* (from שמע ישראל) – 6,3 is an insertion. Thus, the earlier introduction in Deut 5,1a<sub>1</sub> ("Then Moses convened all Israel and said to them") could have originally been followed directly by Deut 6,4. It was most probably preceded by Deut 4,45\* (without והעדתו) as a superscription to the book, which was later expanded successively in vv. 46.47–49.

preceding Pentateuchal narrative, except this time the text refers to the promulgation of the Decalogue at Horeb.

Thus, in Deut 5,1-6,3 the Decalogue is introduced as a quotation (more precisely: as a quotation within quoted speech). In this way, this section claims for itself a certain relationship to the literary setting of the original promulgation<sup>54</sup>. Here, the main point seems to be that the Moses of Deuteronomy 5 distinguishes between different parts of the law. One part is the Decalogue, which can be quoted as a known quantity, since, according to v. 4 and vv. 22ff., it is already known to those who hear Moses' speech. The other part consists of the statutes and ordinances that Moses presents to the Israelites "today" (Deut 5,1), prior to the imminent entry into the land (Deut 6,1). In view of the broader context, there can be no doubt that these statutes and ordinances refer to the laws in Deuteronomy 12-26. Unlike the Decalogue, this part of the law has thus far been known only to Moses but not to the people, as is made clear by the back-reference to the Sinai pericope in Deut 5,22-31. The people know the Decalogue but do not yet know the laws revealed only to Moses<sup>55</sup>. If we follow the wording of Moses' speech, this means that Moses received additional laws beyond the Decalogue, which he did not yet convey to the people. Thus, according to Deut 5,22-31, the statutes that begin in Deuteronomy 12 are those, which Moses has already received. In light of the references to Exodus 19-24, there can be no doubt that these statutes are those of the Covenant Code, which follows the Decalogue in the Sinai pericope. This means that the Covenant Code and its later reformulation – the Deuteronomic law – are equated with each other. Differences between the two texts, which, of course, did not go unnoticed to ancient readers, are mitigated by the fact that the interpretive promulgation of the Covenant Code first occurs in Deuteronomy. In fact, this identification of the Covenant Code and Deuteronomy while also maintaining their differences is only necessary if both legal corpora have been integrated secondarily within a single literary context. Thus, the back-reference to the revelation of the Decalogue in Deut 5,1-6,3 is part of the process of integrating Deuteronomy into its present narrative context.

Moreover, the historical-geographical coordination of the revelation of the law at the mountain of God and its promulgation "beyond the Jordan, in the valley opposite Beth-Peor" – which is presupposed in Deut 5,1-6,3

54. Cf. the similar observations in KRATZ, *Ort* (n. 4), pp. 115f.

55. The only verses to depart from this idea are Deut 5,5\* (except לֵאמֹר) and probably also 5,32f. Further additions are found in 5,24b.26.

and is essential for integrating Deuteronomy into its present narrative context – occurs in Deuteronomy 1–3. The narrator of Deuteronomy locates Moses’ speech – and with it the promulgation of the law – precisely where the wilderness wandering ends that is recalled in Deuteronomy 1–3. Moses’ speech itself begins with the departure from Horeb and culminates in the end of the wilderness wandering and the statement by the narrator about where Moses’ speech takes place. Here, the phrase “beyond the Jordan” (Deut 1,1\*) is stated more precisely as “in the valley opposite Beth-Peor” (Deut 3,29). In Deut 4,46, the narrator of the book once again refers explicitly to this location “beyond the Jordan, in the valley opposite Beth-Peor” in order to introduce a second speech by Moses that refers back to the events at Horeb. The fact that in Deuteronomy 5 Moses stands exactly where he stood in Deut 1,1 prior to the retrospective of the wilderness wandering is thus not a sign of the incoherence of the text. On the one hand, the reminiscence of the wilderness wandering links the mountain of God as the place where the law was revealed to Moses and the plains of Moab as the place where it was promulgated and also interpreted<sup>56</sup>. The retrospective of the wilderness wandering is indispensable for this function. On the other hand, the narrative logic of Deuteronomy, according to which the Deuteronomic law was revealed already at Horeb, requires that the laws in Deuteronomy 12–26 come immediately after the retrospective of the revelation of the Decalogue. If the retrospective of the wilderness wandering were situated in the chronologically “correct” place, i.e., following the events at Horeb, it would disrupt this connection and would thus undo the deliberate coordination of Sinai and Horeb<sup>57</sup>. In addition, the statement about the change in generation in Deut 5,3 fits with the interpretation presented here. On the one hand, the “rhetorical conflation of generations”<sup>58</sup> created by the direct address in Deut 5,3 (לא את־אבותינו כרת) (יהוה את־הברית הזאת כי אתנו אנחנו אלה פה היום כלנו חיים) serves “to identify the intended recipients with the text-immanent recipients”<sup>59</sup>. The

56. This is why the retrospective does not begin with the exodus; against RÖMER, *Entstehungsphasen* (n. 6), pp. 50f.

57. The different parenthetic additions in Deuteronomy 6–11 and the retrospective of Exodus 32–34 in Deuteronomy 9–10 disturb this concept. From a diachronic perspective, Deut 6,5–11,30 probably largely postdates the expansion of the original beginning of the book in Deut 4,45\*; 5,1a<sub>1</sub>; 6,4 (continued in 12,13ff.) with Deuteronomy 1–3\* and 5,1–6,3\* (continued in 11,31–12,1.8–12\*).

58. N. LOHFINK, *Die Väter Israels im Deuteronomium* (OBO, 111), Freiburg/Schw., Universitätsverlag; Göttingen, Vandenhoeck & Ruprecht, 1991, p. 20 (“rhetorische Generationenverschmelzung”).

59. STOPPEL, *Angesicht* (n. 35), p. 99 (“einer Identifizierung der intendierten Rezipienten mit den text-immanenten Rezipienten”). See also *ibid.*, pp. 98–107 for a convincing

latter, however, are none other than the Israelites who listen to Moses in Moab. Through the rhetorical shift from the second-person plural to the first-person plural in vv. 2-4, they have been included in the covenant at Horeb, which remains valid even after the death of the first generation (Deut 2,14-17). In other words, the “rhetorical conflation of generations” also occurs on a text-immanent level. The Israelites who are addressed in Moab are spoken to as if they experienced the events at Horeb directly<sup>60</sup>.

A special feature of the geographical references in Deuteronomy 1-3 noted by Raik Heckl underscores the narrative aim described above<sup>61</sup>. Deuteronomy 1-3 lists a series of waypoints but mentions only three places where the Israelites encamped: Horeb, Kadesh-Barnea, and the valley opposite Beth-Peor. Taken together, both Horeb and the valley opposite Beth-Peor are places from which the people are to set out to enter the land. Yet the initial departure towards the land fails as a result of Israel’s disobedience at Kadesh-Barnea (Deut 1,19-46), which forces the people to turn back toward the wilderness and the Sea of Reeds. From that point forward, the Israelites are constantly on the move for 38 years until they reach the valley opposite Beth-Peor on the eastern side of the Jordan. Thus, “the sojourn in Transjordan is a sort of ‘new version’ of the sojourn at Horeb. Transjordan serves as a stopover prior to the entry into the land, just as Horeb should have done”<sup>62</sup>.

In my view, the overall evidence suggests that the *relecture* of the wilderness narratives in Deuteronomy 1-3 was created in order to incorporate Deuteronomy into its present narrative context. Of course, it is also conceivable that the literary links discussed here were initially purely *inter-textual* (rather than *intratextual*)<sup>63</sup>. The strongest argument for the thesis

refutation of the view of KRATZ, *Ort* (n. 4), pp. 112; 115 with n. 63; OTTO, *Deuteronomium 1-11* (n. 6), p. 294; PERLITT, *Deuteronomium* (n. 26), pp. 418f. that the theme of the succession of generations in Deuteronomy 1-3 and 5,2f. does not belong to the same level of composition.

60. Cf. STOPPEL, *Angesicht* (n. 35), p. 101.

61. Cf. HECKL, *Moses Vermächtnis* (n. 5), pp. 354-358, with reference to P.D. MILLER, *The Wilderness Journey in Deuteronomy: Style, Structure, and Theology in Deuteronomy 1-3*, in B.J. BERGFALK (ed.), *To Hear and Obey. FS F.C. Holmgren*, Chicago, IL, Covenant Publications, 1997, 50-68.

62. HECKL, *Moses Vermächtnis* (n. 5), p. 356 (“[M.E.] steht damit der Aufenthalt im Ostjordanland dem Aufenthalt am Horeb als eine Art Neuaufgabe gegenüber. Das Ostjordanland stellt damit den Zwischenaufenthalt vor der Landnahme dar, wie der Horeb es hätte sein sollen”).

63. For this view, see BLUM, *Pentateuch* (n. 6), pp. 90-93 (ET: pp. 64-67), although he concedes that the styling of Deuteronomy 1-3 as a retrospective speech is “an important precondition for the possibility of the compositional integration of Deuteronomy into a comprehensive pentateuchal narrative” (*ibid.*, p. 91: “eine wichtige Voraussetzung für die

that Deuteronomy 1–3 was originally conceived as the introduction to an independent literary work is certainly Deuteronomy’s presentation of itself “as an independent Torah”<sup>64</sup> in the presumably later addition in Deut 1,5<sup>65</sup>. Even here, however, the evaluation is less clear than it may seem at first glance. The presentation of Deuteronomy as Torah can be understood as an intermediate stage on the way to the Pentateuch in which Deuteronomy became “increasingly independent”<sup>66</sup> or – more likely – as the legacy of an originally independent Deuteronomy, which, in the context of the Hexateuch, has a special place as the last words of Moses. Yet even if Deuteronomy 1–3 were originally the beginning of a literary work, this could not have been an absolute beginning<sup>67</sup>. Rather, these chapters should probably be thought of as the introduction to a new scroll spanning from Deuteronomy–Joshua within a Deuteronomistic library and which stood alongside a Moses-exodus-conquest narrative and a narrative of the monarchy in Judah and Israel and its prehistory in 1 Samuel–2 Kings<sup>68</sup>.

Regardless of which option one chooses, the addition in Deut 5,1–6,3 and the base layer of Deuteronomy 1–3 should not be separated too far in time and should perhaps even be attributed to a single hand<sup>69</sup>. In any case, the widely-followed objection of Timo Veijola that the latter scenario fails to explain why it is only in Deuteronomy 5 that the author suddenly returned to a retrospective of the events at Horeb decades after the people’s

Möglichkeit der kompositionellen Einbindung des Deuteronomiums in eine übergreifende Pentateucherzählung”; quote from ET: p. 65).

64. *Ibid.*, p. 92: “Selbstdeklaration des Deuteronomiums als Torabuch” (quote from ET: p. 67).

65. See n. 43 above.

66. KRATZ, *Komposition* (n. 4), p. 221: “zunehmend verselbstständigt” (ET: p. 220).

67. Cf. LEVIN, *Nach siebzig Jahren* (n. 2), p. 89, who considers that Deuteronomy 1–3 served to create a break within an existing literary context.

68. Cf. RÖMER, *Entstehungsphasen* (n. 6), pp. 58f.; *Id.*, *History* (n. 2), pp. 67–106, who proposes this for Deuteronomy–Joshua and Samuel–Kings.

69. The positioning of Deuteronomy 1–3 and 5,1–6,3 before and after the detailed series of superscriptions in 4,44–5,1 cannot be used as an argument against such a conclusion; against KRATZ, *Ort* (n. 4), p. 111. The only verses that lay before the author of Deuteronomy 1–3\* ; 5,1–6,3\* were Deut 4,45\* (without ו העדה) and the introduction to the speech in 5,1aa<sub>1</sub>. Deut 4,46 serves to incorporate the opening speech (cf. the *Wiederaufnahme* of ממצרים מצאתם from v. 45 in v. 46), while 4,47–49 are later. Within the framework incorporating Deuteronomy into its narrative context, Deut 4,45f. and 5,1 form the narratologically necessary break between Moses’ retrospective of the wilderness wandering and the promulgation of the law. The author who later added Deut 4,1–44 recognized this and thus marked off his addition with a corresponding reference to the preceding part of the speech (see Deut 4,1).

departure from there (1,6.19)<sup>70</sup> can be resolved by the present observations on Deuteronomy 1-3 just as easily as by the assumption that Deuteronomy 1-3 must be the introduction to a Deuteronomistic History<sup>71</sup>.

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70. VEIJOLA, *Deuteronomium* (n. 31), p. 129; see also PERLITT, *Deuteronomium* (n. 26), pp. 408f.; OTTO, *Deuteronomium 1-11* (n. 6), p. 239 and *passim*, who have used Veijola's view as an argument against the thesis presented here.

71. The same applies to the theory that Deuteronomy 1-3 served to mark a book boundary that allowed Deuteronomy to be referred to as "Torah". This idea only arose through the addition of the colophon in Num 36,13 and the reworking of Deut 1,1-5 as a book superscription, particularly through the addition of v. 5. For a different view, see KRATZ, *Ort* (n. 4), p. 113.