The Literary Development of Deuteronomy 12: Between Religious Ideal and Social Reality

SIMEON CHAVEL

The texts in Deut 12 that demand the concentration of cultic worship at a single divinely designated site hold a pivotal place in biblical history—pivotal in the development of modern scholarship on the Hebrew Bible, pivotal to the people who produced and fostered the Hebrew Bible, and pivotal for having reoriented religious experience from the three-dimensional to the textual. As the idea of creation from nothing belongs to religious faith, whereas the sciences and the humanities seek processes, incremental change at the hands of prior forces, often uncoordinated steps coalescing serendipitously to impressive effect, scholars have sought and found evidence that neither the idea to concentrate cultic worship in a single location nor the text of Deut 12 burst upon the scene in a flash of blazing brilliance ex nihilo. The idea emerged in response to human events of magnitude, contemplating them, synthesizing them into a program, going so far as to give a priori significance to a de facto situation. The text expressing the idea shows signs of growth and revision, of progressive coalescence. This study brackets the historical origins of the idea itself to focus on its successive literary expressions.

All of the pivotal chapter 12, every section of it, has come under critical scrutiny, and scholars have debated how to divide it up and reorganize its

---

1 An earlier version of this paper was presented (in Hebrew) to the Department of Bible at Haifa University, January 18, 2004. Masoretic transcription follows Aron DOTAN, Biblia Hebraica Leningradensia (Peabody, Mass.: Hendrickson, 2001). Citations of Jewish medieval commentators refer to The Torat Chaim Chumash (ed. M. L. Kazznelbogen; 7 vols.; Jerusalem: Mossad HaRav Kook, 1986–1993). Translations are mine, except where otherwise noted. Thanks to Professors Naom Mizrahi and Jeffrey Stackert and to Messers Samuel Boyd and Jordan Skonnik for their many valuable comments.

and pieces here and there on an ad hoc basis, nearly each hand involved in the gradual production of this chapter wrote an entire paragraph, that each did so on the basis of a previous one, and that, as far as the indications seem to go, none meant physically to replace the paragraph composed before it but hermeneutically to qualify it. The argument aims to illustrate how law framed and styled as programmatic may in fact follow common practices and adapt to it, a conclusion of particular significance with respect to a text as pivotal as Deut 12, for the light it can shed on the history of ancient Israel, its religion, and its literature.

The opening verses, Deut 11:31–12:1, which serve to introduce the laws, state:

When you cross the Jordan to go possess the land that Yahweh your God is giving you, and you possess it and settle it, you must be careful to do all the laws and statutes that I am giving you today. These are the laws and statutes that you must be careful to do in the land that Yahweh the god of your fathers is giving you to possess, all the days you live upon the earth.

The core command to concentrate all cultic worship at a single locale follows immediately in 12:2–7. The law ignores Israel’s own past and practices, to make its foil the Canaanites: they worshipped their many gods in many places; Israel, by contrast, will worship its one God in one place. Moreover, this law profoundly innovates, Israel can entertain no middle ground: the worship of Yahweh in many places amounts to the worship of many gods. The law also demands as a matter of truth and falsehood, of absolutes, that Israel must make this sharp turn in mode of religious worship immediately upon entering the land. No contingencies may delay its implementation.

SKEHAN, Eugene ULICH, and J. E. SANDERSON, Qumran Cave 4 IV: Palaeo-Hebrew and Greek Biblical Manuscripts (DID IX; Oxford: Clarendon, 1992), 138. Even if secondary, as seems likely, it demonstrates that the ancient reader understood the verse to continue directly the previous verses, not to begin a new section or subsection.

The study goes no further than 12:28 because the paragraph that begins in 12:29 no longer treats the question of cultic centralization per se. Specifically, 12:29 appears to pick up the theme specifically 12:2–3 and begin its development (which continues through ch. 13) – what not to do and how to restrain oneself and prevent others from doing so – whereas 12:4–28 detail the alternative to 12:2–3, what Yahweh wants Israel to do and how to ensure its practicability.

Within Josh 5:8, a realization of this conception exists only in the Priestly tradition of the book of Joshua that has Israel encamped around the tabernacle at Shiloh as a direct continuation of cultic practice in the wilderness (Josh 18–22; see also 1 Kgs 8:1–11). Compare ROFF, “Strata of the Law,” 99, 101.
and you shall bring there your whole-burnt offerings and your consumable offerings, your tithes and your tributes, and your pledges, presents, and firstborn cattle and sheep, and you shall eat there before Yahweh your god, and you shall repose with all the produce you and your households — with which Yahweh your god has blessed you.

However, in vv. 8–12, a second iteration of the command follows immediately, with no acknowledgment of the duplication and no attempt to coordinate the two versions. This iteration describes the concentration of cultic worship

Rashi, Ibn Ezra, Ramban; Samuel R. DRIVER, A Critical and Exegetical Commentary on Deuteronomy [Edinburgh: T&T Clark, 1895], 141, while others see it in apposition to the infinitive and take the final as an accusative object referring pronominally to "this name" [Sironi; DILLMANN, Numeri, Deuteronomium and Josua, 249; Arnold B. EHRlich, Mikra Kifshuto [3 vols.: Berlin: Poppelaar, 1899–1901] [Hebrew], 1:329; BERTHOLET, Deuteronomium, 39; STEuRNAGeL, Deuteronomium, 44; TUR-SiNAI, Peshuto shel Mikra, 1:205–6; TOYg, Deuteronomium, 120].

LXX represents the pronominal suffix of the copulative ‘as.

The remaining element, ‘as, LXX renders with the passive infinitive ‘as, "to be invoked" — as it does in 12:1; 14:23, 16:2, 6, 11, 26:2 — as if vocalizing the ‘as, "to have his name invoked there" (a way of reading familiar to the translator from Targum in Exodus 34:24 and Deut 31:12).

Moreover, in 12:21, 14:24, where MT reads 

LXX again has ‘as, which suggests a Hebrew source text that, like Sam and Tg. Onq., adopted ‘as in both those places, while in 12:26, where MT has an abbreviated Deuteronomical formula ("‘as the ‘as of mighty war in the ‘as,") LXX has a fuller one with ‘as: 

all of which provides evidence for Zakovitch's argument that an editor replaced ‘as by ‘as. On all the various issues discussed in this volume, see, among others,: C. DOUcEN, Marguerite HARK, La Bibe: D'Alexandrie: Le DeuteRonom (Cerf: Paris, 1992), 194; John W. WEVERS, Notes on the Greek Text of Deuteronomy (Atlanta: Scholars Press, 1995), 209.

EHRlich explains the expression רַעַב רְאוּפָא as the counterpart to Deut 18:11, 13, 14, 15, 16 [Mikra Kifshuto, 1:329].

The expression הֹוָג הָלֹט denotes here the result of work, the yield (EHRlich, Randglossen, 2:285; see also Edward GREENSTEIN, "Trans-Semitic Idiomatic Equivalence and the Derivation of Hebrew ‘as, "[U] 11 (1979): 329–36), and the clause "‘as the ‘as of mighty war in the ‘as" refers back to it as a relative clause (EHRlich, Mikra Kifshuto, 1:329). NEILson takes 

The more popular historical view of רֵעַב רְאוּפָא in v. 5b sees it as a secondary gloss on רָגַל in v. 5a (e.g., DILLMANN, Numeri, Deuteronomium and Josua, 249; Arnold B. EHRlich, Randglossen zur hebräischen Bibel [7 vols.; Hildesheim: Olms, 1968; orig. pub. 1908–1913], 2:284). YAIR ZAKOVITCH makes a strong case for a confluence of literary-critical and textual criteria, in which the original text in v. 5a had רָגַל, an editor indicated its replacement by רֵעַב, but instead of disappearing entirely רָגַל persevered elsewhere in the verse, in v. 5b, as רָגַל ("East") — TARBiT 41 [1972–1973]: 338–40, here 339. Compar-
at a single site in internal terms, as a matter of the history of Israel's own specific circumstances and religious practice, a relative matter of contingent religious expression, sliding along a rule from "okay for now" to "ideally when possible." Nationwide pilgrimage to one specific location exposes the land to attack. Therefore, Israel cannot restrict cultic worship to a single site until it achieves territorial security. Such an idea, should it be pointed out, does not explain the charge leveled in it of "each doing what is right in his own eyes" in the wilderness period and reveals the allegorical nature of the argument, meant for a later time, for people long in the land. Within biblical literature, the idea also sets up the historiographical rubric by which David works to attain territorial security and Solomon then builds the temple, but fails to promote its exclusive status, leaving it for Hezekiah to attempt and for Josiah fully to implement. Without the contrast to the Canaanite "other," the law does not provide a rationale for the imperative to concentrate cultic worship, even an implicit one, but rather takes it for granted as self-evident.

...
begins the iteration. After 10 rather than 7, one connects rather than 1 rather. Compare rather than 1 rather. 

One clause shared by the two mutually exclusive forms of the command to restrict the cult encapsulates the fundamental gap that divides them, the statement itself. It occurs at different points in each paragraph and functions in the discourse around it in alternate ways, to varying effect.18

Deuteronomy 12:2-4

After the series of direct commands, “Destroy ... demolish ... smash ... incinerate ... hack to bits ... eradicate,” the language then pivots and the preceding description of what they do or have done — “but rather” — it then pivots and goes on — as suits the one true God (vv. 4-5a). The second iteration begins with precisely those same words that, in the first iteration,

begins with a casus pendens; see Nielsen, Deuteronomion, 140. For this syntax, in which casus pendens begins with the verb ידיד in wqatal form, moves to the subject, then qualifies the subject by a subordinate clause, and the subject resumes with the emphatic adverb “there” (םויע) followed by the predicate with a verb in yiqtol form, see Jer 42:9-16 (where it likewise comes after a subordinate clause); Ezek 47:21-23 (where the focus likewise is on a place): Deut 12:11 Jer 42:16 Ezek 47:23

The paragraph in Deut 12:13-19 that follows these two iterations of the core command to concentrate all cultic worship at a single location has the following structure and flow: encased in a rhetorical clause of the warning הבקר ילא followed by a second-person singular verb, first it focuses on the whole-burnt offering to insist that in all cases the Israelite bring it to the one legitimate place (vv. 13-14). This opening clause lays the groundwork for the distinction that follows, between two kinds of consumable slaughter, a kind allowable at home, in which the blood, uncollected, untreated, not manipulated along sacred and significant lines, simply spills onto the duny ground to seep aimlessly and harmlessly into the earth (vv. 15-16), and another, sacred kind — all the offerings the Israelite must still bring to the chosen site (vv. 17-18a).19 The paragraph concludes by stressing the joy and generosity that must characterize the temple visit (v. 18b).

18 Compare Levinson, Deuteronomy, 44.

19 Contrast Driver, who says about vv. 13-14: “The injunction is repeated, with special reference to the burnt-offering, as though the temptation to this ... at other places might be peculiarly strong” (Deuteronomy, 145).
Take care, lest you offer your whole-burnt offering wherever you look.20 Instead, at the place that Yahweh will choose in one of your tribes—there shall you offer your whole-burnt offerings and there shall you do all that I am commanding you.

However, to your heart’s desire may you slaughter and eat meat—according to the blessing of Yahweh your god that he gave you—in all your towns.

The impure and the pure may eat it, like the gazelle and the deer. However, the blood you may not eat. On the ground must you dump it, like water.

You may not eat in your towns the tithe of your grain, wine, and oil, or the fleshtail of your cattle and sheep, or any of the pledges you may make, or your presents, or your tributes. Rather, before Yahweh your god you shall eat it, in the place that Yahweh your god will choose—your son, your daughter, your slave, your maidservant, and the Levite in your towns—and you shall rejoice before Yahweh your god with all your produce.

Take care, lest you abandon the Levite—all the days upon your land.

Like the pair of paragraphs in vv. 2–7, 8–12 that precedes it, this one too concludes by mentioning Yahweh’s chosen place, the joy of feasting there, and the complete family and needy others who should take part in the festivities. Admittedly, in this paragraph, which first discusses a variety of laws, the repeated section constitutes less of a climax and more of a conclusion that rounds out the picture by filling in additional details.21

The third section, in vv. 20–28, opens by treating a new circumstance, the expansion of Israel’s borders. For the purposes of the argument made in this study, critical analysis may be said properly to begin here. The first two verses contain syntactical ambiguities, obscure references, repetitiveness, and assorted other difficulties. The many multivalent particles and verbal forms joining the many clauses into a long opening string befuddle the clear sense with which one would like simply to identify protasis, apodosis, and motive clause.22

The elegant structure that can make reasonable syntactical sense of the passage has yet to come to light. One can, however, recommend resolving the string into two separate, parallel opening statements, each of which discusses those who live far from the one chosen site.

Deuteronomy 12:20 Should Yahweh your god expand your border just as he had said to you, and you say to yourself, “I would eat meat,” because your heart craves to eat meat, to all your heart’s desire may you eat meat.

Deuteronomy 12:21 Should the place Yahweh your god will choose just as he had said to you, and you may slaughter from your cattle and from your sheep that Yahweh has given you as I have instructed you and eat in your town to all your heart’s desire.

Before hastily dismissing this repetition as either some kind of a stylistic choice or a double version, one should recognize and consider the fact that vv. 20–28 also contain two conclusions, one in v. 25 and another in v. 28. Underscoring the redundancy between them, the second half of v. 28 does nothing more than repeat the conclusion in v. 25.

---

20 EHRLICH richly suggests that the term נִשָּׁעָה here conveys the sense of choice, as in Gen 22:8 (Mikra Kifshuto, 1330).

21 SEITZ identifies an impressively strong structure to vv. 13–19, in which a series of key framing clauses repeats itself in inverse order: (a) v. 13: מַעֲמַכְּךָ נִשָּׁעָה רְאֵהַ; (b) v. 14: מַעֲמַכְּךָ נִשָּׁעָה רְאֵהַ; (c) v. 15: נִשָּׁעָה מַעֲמַכְּךָ רְאֵהַ; (d) v. 16: מַעֲמַכְּךָ נִשָּׁעָה רְאֵהַ; (e) v. 17: נִשָּׁעָה מַעֲמַכְּךָ רְאֵהַ. In context, however, within the running discourse, the contents connected with each of these clauses do not correlate quite so neatly with each other, nor for that matter do the clauses themselves, which reduces the structure to a matter of dislodged form. RÖFF cites a student of his from 1974 who recognized an alternate structure, in which pairs of positive and negative commandments alternate: (a) v. 13–14: prohibition and obligation; (b) v. 15–16: obligation and prohibition; (c) v. 17–18: prohibition and obligation (Introduction to Deuteronomy, 14). But they cannot meaningfully incorporate v. 19. Moreover, it remains unclear what such a structure means to accomplish or articulate, what significance to attribute to it. See further below.
Deuteronomy 12:25

Do not eat it

so that it will go well with you
and with your children after you
when you do what is right
in the eyes of Yahweh.

The presence of two parallel openings and two parallel conclusions suggests the presence within vv. 20–28 of two separate bodies as well. Because the two conclusions do not appear together, one right after the other, the way the two openings do, but several verses apart, presumably, each one of them stands together with its respective body, namely, each one closes the section immediately preceding it, so that v. 25b closes the section that begins in v. 22, and v. 28 concludes vv. 26–27.

Indeed, as the deer and the ram are eaten,
so shall you eat it,
since the impure and the pure
are not kept apart.

However, the holy offerings that (still) will be
upon you and your pledges you shall (still) carry
and go to the place that Yahweh will choose,
and you shall do your whole-burnt offerings - the meat and the blood - upon the altar of Yahweh your God,
while the blood of your consumable offerings
shall be poured out.

So that it will go well with you
and with your children after you
when you do what is right
in the eyes of Yahweh.

23 EURICH suspects the phrase originally read: הַעֲדַבָּנָה (Randglossen, 2:287). Usage throughout D supports his intuition.

Moving from formal aspects to substance, it comes to the fore that these two passages treat two distinct topics. The first one concerns the meat one now may consume at home. It elaborates the full extent (ך) of its complete lack of sanctity and delimits (ך) the state of the meat or what is meant by the term "meat," namely, meat drained of its blood, since the blood remains off-limits. The second passage picks up a different thread, restricting (ך) the category of meat that one may eat at home: one must still bring all whole-burnt and votive offerings to the one legitimate altar.

One can correlate these two separate passages, the one about meat and blood in vv. 22–25, the other about local secular consumption as opposed to sacred consumption at the one sacred site in vv. 26–28, with the two parallel openings in vv. 20 and 21. When looked at with the two passages in mind, each opening lays the specific groundwork for one or the other of the two topics. Moreover, each one of the openings clearly stands at the head of the appropriate body as its original first section. The one in v. 20 establishes the focus on the "craving" (םש הָאֵל) for "eating meat" (רָאשׁ נְפָל) that generates the various provisions of the law in vv. 22–25 and the terms featured in it. In the other opening, in v. 21, though still against the background of "craving to eat meat," the focus shifts to highlight the categorical matters emphasized in vv. 26–28.

Deuteronomy 12:21, 26-28

Should Yahweh your god expand your border just as he had said to you, and you say to yourself, "I would eat meat," because your heart craves to eat meat,
to all your heart’s desire may you eat meat.

should Yahweh your god will choose there to put his name too far from you,
you may slaughter from your cattle and from your sheep that Yahweh has given you as I have instructed you and eat in your town to all your heart’s desire.
Deuteronomy 12:20, 22–25

Indeed, as the deer and the ram are eaten, so shall you eat it, together shall the impure and the pure eat it. However, hold fast against eating the blood, because the blood is the life-essence, and you may not eat the life-essence with the meat.

Deuteronomy 12:21, 26–28

However, the holy offerings that (still) will be upon you and your pledges you shall (still) carry and go to the place that Yahweh will choose, and you shall do your whole burnt offerings – the meat and the blood – upon the altar of Yahweh your god, while the blood of your consumable offerings shall be poured out.

Listen carefully to these things that I am commanding you, so that it will go well with you and with your children after you forever when you do what is good and right in the eyes of Yahweh your god.

Note how the paragraph focused on the craving itself (vv. 20, 22–25), after detailing the full extent of the permission granted (v. 22), feels it warranted to introduce the restriction on blood still in force (vv. 23–24), by invoking to emphatic expression the corresponding expression of self-control, pert (v. 23), and to provide a negative formulation in each of one its sentences, "... אכלת כל", first categorically, a second time to offer an explanation, a third time to conclude with a benefit. In telling contrast, the paragraph concerned with demarcating categories of meals (vv. 21, 26–28), to introduce its exclusion, does not perceive a need for the extra call for resolve (v. 26).24

To sum up the findings of this largely surface analysis, an editor has done a highly unusual job of splicing together two complete legal passages, each of which covers a distinct aspect of the concentration of cultic worship at a single site. The product implies that the editor found the two legal paragraphs intimately related in some essential respects, but naggingly misaligned in others, and spliced them together as a way to blend them such that the distinctive characteristics of each apply to the other. Even if unintended, surely the final product has this blurred effect.

What, then, do the two passages share and, within that shared framework, what sets them jarringly at odds with each other? Moreover, what relationship do they bear to the preceding section, in vv. 13–19, which covers all the topics treated in them, and does so more smoothly? The solutions suggested below proceed by first treating the second problem, the relationship of the two paragraphs in vv. 20–28 to the preceding one in vv. 13–19, and then moving on to analyze the composite, conflated paragraph in vv. 20–28.

23 L. HOBT indicated the presence of two legal paragraphs within vv. 20–28, but, overlooking the specific terms of the law and instinctively expecting a model by which an interpreter inserts one text into another as bloc, misread them as vv. 20, 24–27 and vv. 21–23, and saw vv. 21–23 as originally following vv. 3–7 ("Étude sur le Deutéronome," Revue de l'histoire des religions 16 [1887]: 28–65, here 53–56).

24 E.g., Gerhard VON RAD, Deuteronomy: A Commentary (trans. D. Barton; OTL; Philadelphia: Westminster, 1966), 92–93. Roff does not view vv. 13–19 as the earliest of all the different paragraphs, but he does lay out an argument that it precedes vv. 20–28 (Introduction to Deuteronomy, 14–18).

25 Formulating the sentence as a passive verb followed by the affected objects (or by the grammatical subjects) with the direct object marker has the effect of delaying the completion of the comparison; the abrupt way the comparison then concludes gives it added impact. On the phenomenon of the passive followed by the accusative marker, see GKC, §121a-b; Carl BROCKHAUSEN, Hebrew-Syriac Lexicon (Neukirchen-Vluyn: Neukirchner, 2004; orig. pub. 1956), §§35d, 99b; Chaim RAHIN, Syntax of Biblical Hebrew (ed. S. Shkolnikov; Jerusalem: Akademon, 1974) [Hebrew], 43–44; JM §128b.
Given that the innovation of local, secular slaughter and consumption over-turns hoary norm and hallowed lore, stress should characterize the earlier composition and nonchalance the later one.

From the point of view of topical flow, the order of the paragraph in vv. 13–19 begins with the whole-burnt offering, then follows closely the order of vv. 20–28 combined.

Deuteronomy 12:13–19
Deuteronomy 12:20–28

Moreover, not only do vv. 15–18 incorporate elements of the two paragraphs in vv. 20–28 in their combined sequence; all the verses in vv. 13–19 except from the preceding paragraphs in 11:31–12:12 as well. In fact, just about every element in the entire passage exists in at least one of the other paragraphs in Deut 12 that treat the idea of restricting the cult to a single location.

Deuteronomy 12:13–19
Deuteronomy 12:20–28

It is precisely this characteristic of wholesale borrowing in vv. 13–19, indeed of nearly a complete lack of any genuine literary individuality, that points the passage up as a pastiche – by definition a derivative form of composition.

Moreover, another, subtle feature of the paragraph, which does bring out the author’s hand, further suggests its conflation of disparate elements – the inconsistent usage in it of the term פ. The paragraph on craving meat (vv. 20, 22–25) had employed the term to qualify a general statement and restrict its applicability. First, the law had declared that one may consume one’s animal at home to one’s heart’s content (v. 20) and added an illustration of the explanation (v. 22). The law then went on to qualify פ – that one may not in fact consume all parts of the animal (vv. 23–25). Likewise, the law clarifying categories (vv. 26–28) first gave unrestricted permission – one may slaughter and eat at home (v. 21) – then clarified פ – that there exist some categories of animal consumption that rule out a local setting (v. 26). Within vv. 13–19, one finds this qualifying usage where the paragraph has cited the law on craving meat (vv. 15–16). However, a different use of פ appears toward the beginning, in the transition from the law of the whole-burnt offering (vv. 13–14) to that of local consumption (vv. 15–16). In this instance, the law first treats a distinct category, the whole-burnt offering, declaring that one must take care to offer it only at the place of Yahweh’s choosing. The provision that follows, which begins with the word פ, does not qualify the law of the whole-burnt offering; rather, it turns to a new category, the consumable offering, and through the term פ establishes a contrast between the two: whereas the wholly burnt offering may only be slaughtered at the one site designated by Yahweh, consumables may be killed and consumed either at the holy site or at home. In short, whereas in vv. 15–16 (citing vv. 20–28) פ means a restrictive
The Literary Development of Deuteronomy 12

fying that allowance. One sets the boundaries of meat consumption and blood manipulation. The other constrains the provision to exclude a variety of offerings. But on one particular aspect—who may engage in local, secular slaughter of domesticated animals—the two laws do ever so subtly disagree. According to the meat and blood law, in vv. 20, 22–25, only those who live in the newly expanded borders of Israel’s land may slaughter and eat at home, whereas in the law excluding holy offerings, in vv. 21, 26–28, all those who live “too far” from the one sacred site to trek up there every time they have a hankering for meat may do so.

Deuteronomy 12:20

Might this quiver in the strains of the law concentrating cultic worship have encouraged the editor to blend the two laws and turn their discord into harmony? Furthermore, might the dissonance suggest that the law excluding offerings, in vv. 21, 26–28, aimed to broaden the geographic bounds of the original provision allowing local slaughter, in vv. 20, 22–25? Finally, did the meat and blood provision, in vv. 20, 22–25, itself intend to amend the original law concentrating cultic worship, perhaps on precisely the inference from the version in vv. 8–12 that distance defers or supersedes the requirement to concentrate cultic worship?

To put the matter into more positive terms, the original law concentrating cultic worship—in both of the versions that appear together sequentially in Deut 11:31–12:12—made room for local slaughter of domesticated animals. As in Lev 17, all slaughter and consumption of domesticated animals must occur at Yahweh’s chosen site. For this reason, both versions of the core law of cultic concentration include, among the many types of gifts they list, a category called המרגש, meat of domesticated animals enjoyed by the offerer and his party (vv. 6, 11).12

The drastic restriction of all such dinners to a single site raises an insurmountable obstacle for those living too far away from that site. The Priestly literature does not so much as acknowledge the problem, let alone attempt to resolve it, except in one secondary passage, in Num 9:1–14, with regard to the Passover, and this stringent law, refusing to budge on the restricted character of the Passover performance, creates a make-up date one month later for its observance at the exclusive site and innovations the threat of reward for those who

12 Attested in all the versions, including Qum. Deut: frag. 17, L. 3 (above, n. 5). This argument contradicts the common assumption that the restriction of cultic sacrifice to a single site naturally and inherently requires the allowance of local secular slaughter; see, e.g., Drin, Deuteronomy, 145, 146.
would miss both dates. In the Deuteronomic source, the paragraph in 12:20, 22–25 admits the problem of distance fully and amends the original law leniently, by shifting the slaughter of domesticated animals into the category of hunted animals to allow one to eat meat locally to one’s heart’s content. No talk of this amendment to the original law employs the term הובא, which leaves the new phenomenon unmarked terminologically and drains the categorical term הובא of its substance. From the text itself one cannot know the underlying logic of linking the amendment to expanded geographical borders: It could reflect a corresponding historical event or situation. It could follow the allegorizing lead set by the original laws concentrating cultic worship in 11:31–12:12 and trope in restrictive terms a more expansive amendment. Or, like Deut 19:8, it could incorporate the idea, found in Exod 23:29–30 and 34:24, that Yahweh will give Israel its land gradually.

The paragraph in vv. 21, 26–28 represents the next stage. The law applies the provision of local slaughter to everyone living at a prohibitive distance from the one chosen site, regardless of any and all borderlines: ירקח ומיד ... לאמר, "If the place be too far for you... you may eat in your town." It establishes with greater clarity and force the categorical distinctiveness of locally slaughtered and consumed domesticated animals, by employing the verb הובא for local slaughter and distinguishing such הובא activity from the categories of required שומך and votive אשם animals. Rhetorically, placing the newly reindexed verb הובא, along with its objects “cattle” and “sheep” formulated significantly in the partitive, alongside the key clause “the place that Yahweh will choose there to put his name” displays a certain boldness in calling attention to the categorical and practical revolution that has taken place. In v. 27, which is formulated parenthetically and shifts the focus, the sacrificial sense of the term הובא for nonsacrificial slaughter, and tends to mark v. 27 as an interpolation meant to return to הובא, at least to nominal הובא, its significance as a category of sacrifice—unless the original author simply wanted to have his הובא and eat it too. The fact that the paragraph in vv. 13–19 draws so assiduously on all the other paragraphs, including the verb הובא for secular slaughter, yet does not list a sacrificial category called שומך in the series of required and votive temple gifts and meals supports the source-critical solution over that of the single, over-ambitious draftsman.

Notably, the law in vv. 21, 26–28 makes reference to an antecedent in vv. 20, 22–25:

The apodosis does not issue a positive injunction and declare that one must slaughter as Moses commanded. Rather, it repeats the permission granted by the original amendment in vv. 20, 22–25 to slaughter locally, and the phrase ישלח אתא refer obliquely to the conditions set by that amendment, namely, draining the blood on the ground like game. One should translate the verse:

Should the place that Yahweh your god chooses there to put his name be too far from you – you may slaughter from the sheep and cattle that Yahweh has given you as I have instructed you (namely, like game, draining the blood on the ground) and eat in your town to all your heart’s desire.

Again, from the text, it remains unclear whether the author saw the newly formulated amendment as expanding the geographic coordinates of the prior amendment or merely clarifying them. Either way, the hook, the link made by the reference to the provisions of the initial amendment, effectively contextualizes the new terminological scheme of this follow-up amendment as providing categorical clarity to the set of practices already detailed in the first.


32 Compare Roře, who sees the issue of distance raised here and in 14:24; 19:8; 20:15; Exod 34:24; Num 9:10 as a mere rhetorical trope for legal innovation and specification, specifically, for harmonizing conflicting legal traditions, in this instance, between Deut 12:8–19 and Lev 17 (Introduction to Deuteronomy, 16–17).

33 The borders in Exod 23:31 match those in Gen 15:18–21, which raises the question as to whether the phrase “your fathers” in Deut 19:8 refers to the previous generation, namely, the one that left Egypt and crossed the wilderness, or to the patriarchs. Either way, Deut 12:20 “as he assured you” appears to consider the present generation as the immediate recipient of the promise. Indeed, it would be odd—self-defeating—for the Deuteronomic author to have Moses refer to the very speech (Exod 20:19–23:33; 24:3–8, 11c) that the Deuteronomic author has excluded from history. A harmonizing midrash identifies Deut 12:20 with Gen 15:18–21; see Sifre Devarim 575, ad loc. (in L. Finkelstein’s edition [2nd ed.; New York: Jewish Theological Seminary of America, 1969], 139).

34 The plural in הובא recommendations translating more forcefully: “in any of your towns.” See Levinson, Deuteronomy, 36–43.

35 The emphasis on the proper, ritual manipulation of the blood seems designed to counterbalance the unceremonial dumping of it on the ground mandated in vv. 16, 23–24 (Ehr-lick, Mika'ei Kifshuto, 1:130).

36 In this case, the interpolation of the verse at the very end of the string of paragraphs in ch. 12 as it appears now would serve to conclude the chapter the way it began, in vv. 6 and 11, and suggest that its absence in between is merely ellipsigraphic and insignificant. Contrast, e.g., Steuernagel, who sees v. 27 as original and v. 28 as an addition (Deuteronomium, 47–48); George Adam Smith: “The return to the fact that solemn sacrifices shall nevertheless be made at the one altar is natural” (The Book of Deuteronomy [The Cambridge Bible for Schools and Colleges; Cambridge: Cambridge University Press, 1918], 172).

37 Scholars have long struggled with the problems created by the phrase ישלח אתא. See the commentaries and compare Levinson, Deuteronomy, 41–43, 46–47.
The splicing together of the two laws that allow those far away from the one legitimate cultic site to slaughter and eat at home in vv. 20–28 blends the different provisions laid out in each one of them as complementing each other. The resulting text has three main provisions. First, anyone too far from Yahweh’s chosen site, whether beyond some border or along too difficult a road within it, may slaughter and eat at home to their heart’s content, like game (vv. 20–22). Second, such meat – attained, in point of fact, unlike game – must have the blood drained from it before one can eat it (vv. 23–25). Third, the allowance does not extend to obligatory or voluntary sacrifices and other gifts. All these still belong to the sphere of the cult and one must bring them to the one site designated as of cultic significance (vv. 26, 28). To judge by the present form of the text, conflating the laws in this fashion would have produced the unfortunate result that the clause בְּהֵמָה in the second amendment in vv. 21, 26, 28, which originally referred to the provisions in the first amendment in vv. 20, 22–25, would, at the point of conflation, preclude those provisions and have no intelligible antecedent. In any case, the act itself of conflating the two laws in a single text does not represent a genuine stage in the development of laws concentrating the cult, since no new provisions or practices resulted from it.

The passage in vv. 13–19 develops the law one stage more. It synthesizes all the various practical and conceptual aspects of all the different laws concentrating cultic worship at a single site, including the use of the verb בְּהֵמָה to denote the local, secular slaughter of domesticated animals. At first, it may occasion surprise that the law opens by stressing that the concentration of cultic worship applies to the whole-burnt offering, especially since it represents the only way in which the paragraph in vv. 13–19 diverges from the flow of the conflated text in vv. 20–28:

Take care, lest you offer up your whole-burnt offerings here, in any place you might look; only at the place Yahweh will choose in one of your tribes, there shall you offer up your whole-burnt offerings and there shall you perform all that I command you.

Immediately, though, this opening prohibition against sacrificing the whole-burnt offering in any place except Yahweh’s chosen one crystallizes as the foil for the law’s main contribution, that one may slaughter domesticated animals nonsacrificially and consume them in any city in Israel. As בְּהֵמָה כְּכָל בָּלָה, it stresses the holiness of the offer. It stands to reason that this new formulation extends the provision of secular slaughter of domesticated animals to the very city that has Yahweh’s chosen site in it. Unless one brings the animal to the holy site itself, as long as one dumps its blood casually on the ground,

the animal counts, for all intents and purposes, as game and one eats it without any sacred dimension. Inserting this paragraph ahead of the conflated paragraph in vv. 20–28 has several repercussions. Most importantly, it serves to predetermine the reading and meaning of the conflated paragraph that follows it. Once vv. 13–19 have established that one may slaughter and consume meat in the temple city itself and have laid out all the various details of that law, vv. 20–28 do not do much more than add emphasis and a few details, nothing substantial in and of itself. The geographic dimensions that originally defined the thrust of vv. 20 and 21, now made superfluous by the far broader provision of vv. 13–19, fade for all intents and purposes into oblivion. On the other hand, the presence of vv. 13–19 does raise the reference מִי יָדֵי יָהְウェָה in v. 21, since the details of domestic slaughter and consumption in vv. 15–16 now offer themselves as its natural antecedent.

One can chart the successive stages by highlighting the changes in the key phrases from one paragraph to the next:

11:31–12:12 אוֹתַחַכּוּ הָאֱלֹהִים מִקְרוֹ יַהֲウェָה וְאֵלֶּה הָאֱלֹהִים מִקְרוֹ יַהֲウェָה וְאֵלֶּה הָאֱלֹהִים מִקְרוֹ יַהֲウェָה שֵׁם יַהֲウェָה שֵׁם יַהֲウェָה שֵׁם יַהֲウェָה
12:20, 22–25 יְדוּ יָדֵי יָהֲウェָה יְדוּ יָדֵי יָהֲウェָה יְדוּ יָדֵי יָהֲウェָה
12:21, 26–28 יִתֵּן יִתֵּן יִתֵּן יִתֵּן
12:13–19 יְדוּ יָדֵי יָהֲウェָה יְדוּ יָדֵי יָהֲウェָה יְדוּ יָדֵי יָהֲウェָה

In terms of the theory of literary revision and hermeneutics, the paragraphs analyzed do not make up together a group of generally parallel texts edited to match each other to a greater or lesser degree, with sentences and clauses added this way and that. Nor do the different texts aim each physically to supplant the other. Paragraph by paragraph, each one assumes the basic premise of its predecessor but amends one facet of it and aims to qualify and control the sense of it, its application, or reception history, so to speak. In the case of the last piece, vv. 13–19, the sum total of its characteristics indicates that its author intended it to enter the text at an earlier point than the paragraphs it amends and in that manner to predetermine which aspects of their discourse would stand out and which would fade into insignificance.

... Analogously, the rabbis said of the Passover that the criterion "too far" refers either to a distance of twenty-eight kilometers or, amazingly, no further than the other side of the threshold of the temple itself (e.g., m. Pesah 9:2; Targum 69).

42 Samuel D. Luzzatto, Commentary to the Pentateuch (ed. P. Schlesinger; Jerusalem: Horeb, 1965; repr. 1993; orig. pub. Padua, 1871) [Hebrew], 526.
Historically speaking, the progression of literary revisions within Deut 11:31–12:28 reconstructed in the analysis above makes it hard to resist conjuring up a social scenario, however general.\textsuperscript{46} Despite the programmatic formulation of each of the amendments to the law restricting the sacrifice to a single site, they could all represent so much legislative scrambling that aims to justify after the fact what the people at large do. Whenever the framers of the law concentrating cultic worship wrote and however their law came to impress itself upon the public consciousness, they simply could not persuade folks not to eat the meat of domesticated animals at home.\textsuperscript{47} In so successive stages they recast the law from one that restricts all consumption of domesticated animals to one that restricts only the consumption of specific animals and transferred the burden of sacrality from action to context, from the act itself to the location of the action and the human intent that defines the action. The religious imagination — however compellingly it interprets history, however richly it embeds everyday objects, senses, and actions — has its practical limits. As a human faculty, as a human endeavor, it faces human limits. The original law conjures up an image of the temple as a dynamic center of regular feasting, palpably consolidating social life and national identity. The subsequent versions of the law progressively dull that vision and limit the temple’s exclusivity to a few imposed fasting obligations, recasting the temple’s regular significance largely as a matter of deictic symbolism.\textsuperscript{48}

\textsuperscript{46} Compare LEVINSON, Deuteronomy, 39–40.

\textsuperscript{47} Instructively in this regard, the author of 1 Sam 14:31–35 can entertain the idea of Israelites who, driven to exhaustion by Saul’s relentless campaign against the Philistines, do not scruple to slaughter the livestock in their war’s booty and eat it without properly draining the blood, and can describe Saul as dedicating a rock to Yahweh and setting up a makeshift altar for the purpose.

\textsuperscript{48} Analogously, the law of firstborn animals in Deut 15:19–23 and the original tithe law in 14:22–23 consolidate all giving into a single annual trip to the one chosen site (contrast Exod 22:28–29), but even this dispensation underwent adaptation, in 14:24–26, because of “distance from the one chosen site,” such that the offerer consumes this food, too, at home and stores up credit — “silver pieces” — instead. Because silver pieces have no shelf life, the amendment effectively, if not deliberately, undermines the obligation for an annual tithe and firstborn trip altogether and lays the groundwork for a far-less regular visit. Indeed, analysis of rabbinic halakah and hermeneutics regarding the obligation of pilgrimage tends to indicate that Jews of the Second Temple period simply did not go on pilgrimage three times every year, or even once per year, but much more sporadically, so much so that the rabbin felt constrained to reinterpret the pentateuchal laws of pilgrimage wholly against their plain sense. See Shmuel SAFRA, “The Pilgrimage Commandment,” in The Pilgrimage in Second Temple Times: An Historical Monograph (Tel Aviv: Am Hasefer, 1965) [Hebrew], 24–41; repr. with additions in L. DEM, In the Days of the Temple and in the Days of the Mishnah: Studies in the History of Israel (2 vols.; Jerusalem: Magnes, 1994) [Hebrew], 1:43–60; CHAVEL, “Second Passover,” 17–19.

\textbf{The Deuteronomic Evidence for the Documentary Theory}

JOEL S. BADEN

In classical source-critical scholarship, it was held as axiomatic that the historical retrospective in the opening speeches of Deuteronomy was written on the basis of the combined J and E narratives (the so-called “JE” document).\textsuperscript{4}

In recent years, as the very existence of J and E has been challenged, it is more commonly argued that some or all of the non-Priestly texts of the Tetra- tech are in fact the product of Deuteronomic revisions of earlier materials or even entirely new Deuteronomic compositions.\textsuperscript{5} In this paper, I will examine two passages from the beginning of Deuteronomy that have an undisputed literary connection with texts from Exodus and Numbers. I hope to demonstrate that neither of the two aforementioned models does justice to the literary evidence.


\textsuperscript{5} See the contemporary scholarship cited below. Throughout I will use the term “Deuteronomic,” rather than “Deuteronomistic,” for the sake of simplicity and clarity: the texts under discussion are from or resonate with Deut itself, rather than the Deuteronomistic History. Although the distinction between D and Dt is frequently muddied, we must in fact distinguish between the two; see the analysis of Menahem HAKAN, The Biblical Collection (3 vols.; Jerusalem: Magnes, 1996–2008) [in Hebrew], 2:195–200.