The last decade has been one of great turmoil in the field of documentary studies. Many of the most cherished ideas of the classic documentary theory have been put in serious question by mainline critical scholars. According to the classic theory popularized by Wellhausen in 1878, the Pentateuch consists of three sources: J, E, and D (Deuteronomy), and a fourth, JED. But in recent years the very existence of an independent E document has been questioned. It has been forcefully argued that all Scripture is inspired of God (2 Tim. 3:16), or in the words of the Nicene creed that the Holy Spirit 'spoke through the prophets' and that it is hard to believe another assumption. This is that 'all Scripture is inspired of God' (2 Tim. 3:16), or in the words of the Nicene creed that the Holy Spirit 'spoke through the prophets' and that it is hard to believe another assumption.

It is important to notice that the presentation of the law in Deuteronomy is different in character from that found in the earlier books of the Pentateuch. Most of the laws in Exodus to Numbers are represented as having been revealed to Moses: they are usually introduced by the remark 'the LORD said to Moses'. But in recent years the very existence of an independent E document has been questioned. It has been forcefully argued that all Scripture is inspired of God (2 Tim. 3:16), or in the words of the Nicene creed that the Holy Spirit 'spoke through the prophets' and that it is hard to believe another assumption.

Conservative presuppositions

Let us begin by outlining the basic assumptions that underlie conservative arguments for the antiquity of Deuteronomy. The first and obvious point is that Deuteronomy claims to be the last source to be written. Deuteronomy consists of three sermons (chs. 1-4, 5-28, 29-30) and two poems (32, 33) ascribed to him. Not only is Moses said to have uttered most of Deuteronomy, he is also said to have written down 'this law'. 'Moses wrote this law, and gave it to the priests' (31:9; cf 31:24). Admittedly it is not exactly clear what 'this law' consisted of, but the most obvious candidate is the oral exposition of the law given by Moses in Deuteronomy.
Similarly Weinfeld’s detailed work proceeds on the assumption of a seventh-century date and so
the consensus of scholarship. But the fact that von Rad put forward these observations so confidently as
little about the history of these ideas and institutions to use them to date the literature of the Old
their head and say that they demonstrate the antiquity of the book. I think we really know too
Judges 4-5 and 1 Samuel 15. It would therefore be possible to turn von Rad’s observations on
Deuteronomy could be held to reflect a much earlier period in Israelite history, e.g. the time of
radical reorganization of the army in Josiah’s time. The undoubted holy war ideology of
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territory? Deuteronomy was a suitable book to stir up enthusiasm for such a cause.
Judah was impoverished by Assyrian imposts and Josiah was fighting to regain long-lost
army because royal funds were low. What more likely time than the seventh century BC when
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productions. In other words the liberal belief that pseudonymous authorship was respectable
arises from the dating assigned to these books, not from evidence outside these works. It
therefore becomes the more important to examine the nature of the arguments for the date of
Deuteronomy. For not only is the history of Israel’s religion seriously altered by these theories
by modern biblical criticism since the eighteenth century.

Liberal presuppositions

Why then is the case for Mosaic authorship of Deuteronomy ignored by mainline scholars? Not
because they deny the exegetical facts just set out: they would freely admit that Deuteronomy
professes to come from Moses. It is rather because they do not take a conservative view of
inspiration and believe, because everybody else seems to say so, that there is an overwhelming
case for Deuteronomy’s seventh-century composition.

Some scholars simply do not believe in the divine inspiration of the Bible: certainly Wellhausen
fell into this camp, so it was easy for him to accept that Deuteronomy was fictitious. However the
majority of biblical critics do believe that the Bible is in some sense the word of God: in the case
of Deuteronomy we have an example of the inspired imagination of a later writer addressing the
problem of his own generation. In order to persuade his hearers he clothed his message in the
dress of Israel’s greatest lawgiver and prophet. This practice of pseudonymous writing was both
widespread and respectable in ancient Israel, it is maintained. Therefore it is not difficult to
envisage the Spirit of God using such devices to gain acceptance of this vital message.

Now though this view of inspiration cannot be ruled out as an impossibility, if it is indeed true that
pseudonymity was an accepted convention in biblical times, there is little clear evidence within
Scripture for it being so accepted. There are certainly plenty of works outside the biblical canon
which are pseudonymous, and it might well be surmised that one reason they never received
canonical status was their patent pseudonymity.

The postulate that pseudonymity was respectable in biblical times and that the Spirit might
therefore have inspired some great unknown to pretend to be Moses or Isaiah or whoever, is not
based on a large number of provenly pseudonymous works within the canon, rather it rests on the
assumption that Deuteronomy and other books such as Daniel are clearly not from the time
they pretend to portray. Because the canonizing authorities were prepared to accept books like
Deuteronomy though they knew them to be fictitious, that shows they did not disapprove of such
productions. In other words the liberal belief that pseudonymous authorship was respectable
arises from the dating assigned to these books, not from evidence outside these works. It
therefore becomes the more important to examine the nature of the arguments for the date of
Deuteronomy. For not only is the history of Israel’s religion seriously altered by these theories
but also our whole view of inspiration. But to discover the reasons scholars hold a seventh-
century date of Deuteronomy is more difficult than might be anticipated, if it is indeed true that
inspiration and believe, because everybody else seems to say so, that there is an overwhelming
case for Deuteronomy’s seventh-century composition.

The assumption of a seventh-century date

Reading many works on Deuteronomy one is frequently struck by the way a seventh-century
date is presupposed rather than argued for. For example G. von Rad in his Studies in
Deuteronomy (1948) and his commentary (1964) invokes the holy war ideology of the book in
support of its late date. Deuteronomy pictures the conquest of Canaan as a holy war in which all
Israel is mobilized and led by God in a great campaign to destroy all foreigners and their forms of
worship. This, says von Rad, bespeaks a period when the nation could not afford a professional
army because royal funds were low. What more likely time than the seventh century BC when
Judah was impoverished by Assyrian imposts and Josiah was fighting to regain long-lost
territory? Deuteronomy was a suitable book to stir up enthusiasm for such a cause.

But on further reflection this is a somewhat flimsy argument. There is little, if any, evidence in the
book of Kings of a

[p.17]

radical reorganization of the army in Josiah’s time. The undoubted holy war ideology of
Deuteronomy could be held to reflect a much earlier period in Israelite history, e.g. the time of
the judges, for Deborah and Samuel certainly believed in the holy war principle according to
Judges 4-5 and 1 Samuel 15. It would therefore be possible to turn von Rad’s observations on
their head and say that they demonstrate the antiquity of the book. I think we really know too
little about the history of these ideas and institutions to use them to date the literature of the Old
Testament. But the fact that von Rad put forward these observations so confidently as
confirmation of Deuteronomy’s late date illustrates again how strongly he has been influenced by
the consensus of scholarship.

Similarly Weinfeld’s detailed work proceeds on the assumption of a seventh-century date and so
Arguments for a seventh-century date

So what are the real arguments for a seventh-century date that first led to the establishment of this critical consensus? To discover them one needs to return to the literature of the nineteenth century, especially the works of de Wette and Wellhausen[9] in Germany and Driver[10] in Britain. It comes as something of a surprise considering how much has been built on the seventh-century dating to find what a narrow basis it rests on.

There are essentially two key arguments: the language of Deuteronomy and its demand for the centralization of worship. The style of Deuteronomy, a rhetorical or preaching style with various characteristic words or phrases, markedly resembles other works which must date from the late seventh or early sixth centuries BC. The most obvious parallels are found in the prophets Jeremiah and Ezekiel and in 2 Kings. An elaboration of this theory is Noth's[11] theory of a Deuteronomistic history. This holds that Deuteronomy is not so much the last book of the Pentateuch, but the first volume in a history comprising Deuteronomy, Joshua, Judges, Samuel and Kings. It is, I think, undeniable that the language and style of Deuteronomy have close affinities with some books undoubtedly written about 600 BC. Whether this is sufficient grounds for holding that Deuteronomy must also have been written then, we shall return to later.

The second and historically more important reason for holding that Deuteronomy is a seventh-century work is its attitude to the central sanctuary. Until the time of King Josiah people worshipped, whether legally or not is unclear, at the temple in Jerusalem and at high places, village shrines scattered up and down the land. But then Josiah, perhaps following the earlier attempt of Hezekiah, abolished all the local high places and insisted that sacrifice be offered only in the Jerusalem temple. An English equivalent would be the destruction of all the English parish churches and the limitation of worship to Westminster Abbey. Josiah's innovations are described in 2 Kings 23.

Now de Wette, Wellhausen and their successors associate this Josianic reformation with the book of Deuteronomy. This orders Israel to destroy all the Canaanite shrines when they enter the land. They must instead 'seek the place which the LORD your God will choose... to put his name there' (Dt. 12:5). This is where Israel must offer sacrifice and celebrate the national pilgrimage festivals of passover, pentecost and tabernacles (ch. 16). Evidently then 'the place which the LORD will choose' is Deuteronomy's term for the national central sanctuary. However Deuteronomy never names the chosen place or gives any indication that it should be identified with Jerusalem.

This, it is argued, is quite understandable: the author of Deuteronomy realized that it would be anachronistic to have Moses specify Jerusalem as the central shrine when it was not captured by Israel till the time of David. He preferred to use the discreet code name 'the place which the LORD will choose', which was perfectly clear to the men of Josiah's time and did not make it so obvious that Moses was not the real author of Deuteronomy. The book's insistence on limitation of worship to the one place shows that it was written either as the programme for, or in justification of, Josiah's reforms. In further support of this hypothesis it is pointed out that in the course of the reform a book of the law was found in the temple. This again is customarily identified with some version of Deuteronomy, and it is implied that the book, recently written, had been deliberately planted in the temple to encourage or justify the reforms that had been undertaken.
Language and centralization are thus the two key arguments for the late date of Deuteronomy. The other reasons often adduced for dating the book to the seventh century, *e.g.* holy war, treaty curses, relationship with the book of Proverbs, are equivocal: they are just as compatible with an earlier date. With the present openness in so many areas of pentateuchal criticism, it seems opportune to look again at this most central area of study. If we have not already irrevocably prejudged the issue of Deuteronomy's date of composition, what would we conclude on the basis of our present knowledge? Clearly in a brief article these issues cannot be dealt with to the thoroughness they deserve: it is written in the hope that it will help those trying to think through these issues from scratch and perhaps provoke some to further work in these areas.

Six areas need to be thoroughly re-examined in any reconsideration of the date of Deuteronomy: its language, its relationship to ancient oriental legal texts, its view of the central sanctuary, its religious ideology, its marriage laws, and its use in Jerusalem. Few of these areas have been thoroughly discussed in recent literature, at least in so far as their implications for the date of Deuteronomy are concerned, so my observations must necessarily be provisional rather than definitive, an agenda for further research rather than the last word on these issues.

**Language**

Does the language of Deuteronomy with its obvious affinities with Jeremiah and 2 Kings demand a seventh-century date? It must be admitted that such a date of composition could explain Deuteronomy's style, but it seems that this is rather too simple an explanation for a number of reasons.

First, it is characteristic of religious language to be conservative and to retain Older forms of expression long after popular speech has changed. For 350 years the language of the Authorized Version and the prayer book has dominated religious usage in England: it is only in the last few years that it has been felt to be inappropriate. Inappropriate, and the traditional form of the Lord's Prayer is still the form most people use. It could be that a similar tendency is at work in the Old Testament: the prophets and religious leaders were consciously or unconsciously using a "biblical" style of speech, because they were speaking on religious subjects and seeking to appeal to their hearers' respect for old tradition.

Second, it is characteristic of the literary languages of the ancient Near East to adopt the spoken dialect of a particular period and for this to remain unchanged for centuries, even though the spoken language alters. Old Babylonian was the form of Akkadian spoken in Babylon in the old Babylonian period 1900-1600 BC. In it the great classical texts such as the laws of Hammurapi or the epic of Atrahasis were composed. Subsequently, though the spoken language changed, later scribes tried to imitate the old Babylonian as best they could (so-called standard Babylonian), so that a type of old Babylonian remained the standard written language of Mesopotamia for a millennium after the spoken language had changed.

There was evidently a similar development in Egypt. There were five Egyptian dialects and the second, Middle Egyptian, was adopted as the official written language. Kitchen writes, 'Middle Egyptian was perhaps the vernacular of dynasties 9-11 (2200-2000 BC) and was used universally for written records during the Middle Kingdom and Early New Kingdom periods (to c. 1300 BC) and continued in use in official texts in a slightly modified form as late as Graeco-Roman days.'[12] In other words Middle Egyptian was the spoken language between 2200 and 2000 BC, the universal written language until 1300 and widely used until about 100 BC.

If in Babylon and Egypt the spoken language of one period survived for 1,000 years as the national written language, might not the same be true in Israel? The sparsity of Hebrew inscriptions from Old Testament times unfortunately makes this hypothesis impossible to demonstrate, but it is certainly no less likely than the theory that anything reminiscent of deuteronomistic style must have been written within fifty years of 600 BC. If one could affirm a Mosaic date for Deuteronomy, the fact that Jeremiah and 2 Kings continue to use deuteronomistic language would suggest that the history of Hebrew does indeed resemble that of Akkadian and Egyptian.

There is, of course, evidence within the Old Testament that deuteronomistic style survived long after the seventh century. Ezra's prayer (Ne. 9:6-37) is a good example of deuteronomistic style, as is Daniel's (9:4-19). Ezra's prayer dates from about 430 BC; Daniel's from about 520 on a conservative view (about 170 BC on a liberal view, which would be four centuries after Jeremiah). Now if it be admitted that deuteronomistic style may have persisted a few centuries after 600 BC, may it not be that it was invented some while before 600 BC?

In fact there is some long-neglected evidence which suggests that not simply deuteronomistic style, but some form of the book of Deuteronomy itself was known in the eighth century. It is well known that the earliest writing prophets, Hosea and Amos, show many traces of deuteronomistic style and apparent allusions to Deuteronomy. Modern commentators generally ascribe these deuteronomisms to the ubiquitous deuteronomist, an editor who rewrote everything in deuteronomistic style. Commentators like Wolff peel away the most obvious deuteronomisms and argue that what is left is the authentic voice of Amos and Hosea. However, these commentators do not do a thorough enough job. If every trace of Deuteronomy were eliminated from these early prophets, there would be hardly anything left. This has been recognized in the recent massive Hosea commentary by Andersen and Freedman. They recognize that the deuteronomistic elements of the book are integral to Hosea's message. They state: 'Hosea's discourses are threaded with Deuteronomistic ideas in a way that shows they were already authoritative in Israel.'[13] And in the course of their commentary they show how at many points Hosea uses deuteronomistic ideas. However they do not exhaust the scope of this study. Had they consulted E. W. Hengstenberg's *Discussions on the Genuineness of the Pentateuch* (183 1-39 ET 1847), they would have found many more examples of where Hosea and Amos apparently quote or allude to
Recently, too, the doyen of Hebrew philology, C. Rabin, has also pressed the case for Deuteronomy being composed before Hosea and Amos. On the grounds of discourse analysis Rabin argues that Deuteronomy has the form of a prophetic sermon, yet prophetic sermons from Amos onwards adopt a clearly poetic style. Deuteronomy’s style is like that of earlier prophets such as Samuel and Elijah. Thus a late date for the book must be excluded. Rabin’s article, though written with great authority, is tantalizingly brief and leaves many questions unanswered. It does though suggest new methods of approaching an old problem.

The same too could be said of Rendsburg’s article in which he argues that the Hebrew of the Pentateuch is distinctively archaic in certain respects, e.g. its failure to distinguish the masculine and feminine in some words. ‘The Pentateuch as a whole would by necessity be dated earlier than the composition of Joshua, Judges, etc.’ Weippert’s study of Jeremiah’s sermons is also important in showing that his prose style cannot be simply identified with that of Deuteronomy or the deuteronomists.

On balance then it seems likely that the deuteronomic language was not a phenomenon restricted to the late seventh/early sixth centuries BC, but that it persisted much longer. It could indeed have been the preferred style of explicitly religious texts for a long while in Israel. Certainly the evidence of the prophets Amos and Hosea is most easily explained on the basis of at least some form of Deuteronomy antedating their preaching and being known to them.

### Ancient legal texts paralleling Deuteronomy

Another indication of Deuteronomy’s relative antiquity is provided by Near Eastern legal texts. In the 1960s a number of scholars pointed to the parallels between Deuteronomy and ancient oriental treaties, most notably those from the Hittite archives (sixteenth-thirteenth centuries BC) and Assyrian texts (eighth-seventh centuries). It was quickly observed that Deuteronomy markedly resembles a treaty text, especially the earlier Hittite treaty. This can be most easily seen in a table.

<table>
<thead>
<tr>
<th>Early (Hittite) treaty</th>
<th>Deuteronomy</th>
<th>Late (Assyrian) treaty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preamble</td>
<td>Preamble 1:1-4</td>
<td>Preamble</td>
</tr>
<tr>
<td>Historical introduction</td>
<td>History 1:5 - 3:29</td>
<td>God list</td>
</tr>
<tr>
<td>Stipulations</td>
<td>Stipulations chs: 4-26</td>
<td>Stipulations</td>
</tr>
<tr>
<td>Document clause</td>
<td>Document clause ch. 27</td>
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</tr>
<tr>
<td>God list</td>
<td>Curses/blessings</td>
<td>Blessings/curses ch. 28</td>
</tr>
<tr>
<td></td>
<td>Curses (Blessings)</td>
<td></td>
</tr>
</tbody>
</table>

The most obvious difference between the second-millennium Hittite treaty and the first-millennium Assyrian treaty is the presence of a historical section and document clause in the former and their absence in the latter. In both these respects Deuteronomy resembles the earlier Hittite treaty rather than the later one, so quite naturally conservatives like Kline and Kitchen argued that this proved the Mosaic date of Deuteronomy, c. 1280 BC being the most widely accepted date of the Exodus.

However, those brought up in the tradition of a seventh-century date for Deuteronomy were unpersuaded. They pointed out that not all Hittite treaties had document clauses, and that possibly one Assyrian treaty had an historical prologue. On these grounds they held that one could not really postulate a marked change in the pattern of treaties between the second and first millennium, so the argument from treaty parallels proves little about the date of Deuteronomy.

In his book Deuteronomy and the Deuteronomic School, Weinfeld underlined very thoroughly Deuteronomy’s affinities with the treaties. He also observed that early second-millennium legal collections closely resembled the form of Deuteronomy, so that it seems likely that there was a standard pattern used for a variety of legal documents. Again one can best display the evidence diagrammatically.
If there is a close resemblance between Deuteronomy and Hittite treaties there is an even closer one between Deuteronomy and early second-millennium collections of law. Note the absence of a god list in both, and the order of blessings and curses. In both Deuteronomy and oriental legal collections blessings precede curses, whereas in treaties the order is reversed.

It is again striking how the arrangement of material in Deuteronomy resembles early collections of law rather than the later Middle Assyrian laws or neo-Babylonian laws, both admittedly incomplete. However this would again appear to point to the antiquity of Deuteronomy rather than its lateness.

Weinfeld however, assuming a seventh-century date for Deuteronomy, minimizes the force of these observations. The continuity of Near Eastern legal traditions means that very little should be built on the apparent changes of form: these changes may simply reflect the accidents of discovery. We have several collections of law from the early period, few from the late. Had we more information we could be more dogmatic. Furthermore the close parallels between some of the curses of Deuteronomy and some found in Esarhaddon's vassal treaties show that the authors of Deuteronomy were well aware of neo-Assyrian (i.e. seventh-century) treaty-drafting techniques. This confirms the usual dating of Deuteronomy.

But it must be said that this again suggests the data is being manipulated to fit in with an assumption of a seventh-century dating. If the continuity of Near Eastern legal tradition allows one to dismiss the resemblance between the laws of Hammurapi (1750 BC) and Deuteronomy as insignificant, it surely forbids one to make too much of the correspondences between some seventh-century treaty curses and Deuteronomy. Could these not reflect an old and long tradition too, as D. J. Wiseman maintained?[22] Weinfeld certainly has not proved that the deuteronomic curses could

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have been derived only from a seventh-century Assyrian text. And even if that were demonstrated, it would merely show that Deuteronomy’s curses had been expanded then, not necessarily that the whole book was composed then. On balance then it seems to me that the parallels between Deuteronomy and early treaties and legal collections suggest an early date for the book, though, as so often in biblical studies, this falls short of definite proof.

The parallels with treaties and law codes is important for another reason though: they show that chapter 27 is an integral part of the book. It corresponds to the document clause of the treaties and legal collections, because it insists that the laws be inscribed on stones at a sanctuary (vv. 3-8). That this chapter really belongs to the book and at this point in it is confirmed also by the many typically deuteronomic phrases within it, and its place in the book’s over-all structure. Lohfink[23] pointed out that material in chapters 12-28 inverts the order of material introducing the section in 11:26-32:

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A  11:26-28  Blessing and curse
B  29-31    Mounts Ebal and Gerizim
C  32       'Statutes and ordinances'
C' 12:1 - 26:19 'Statutes and ordinances'
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This mirror-image pattern ABCC’B’A’ is typical of Hebrew literary techniques and indicates that chapter 27 is an indispensable element within the book. This is important to bear in mind as we consider the place of the central sanctuary in Deuteronomy. (to be continued)

References


[5] For an exception, cf D. R. Hillers, Treaty Curses and the OT Prophets (Rome: Pontifical Biblical Institute, 1964): 'One cannot explain both the resemblances and differences by naively supposing that an Israelite writer got this curse from an Assyrian treaty' (p. 42); 'One could make out a better case for saying that the Bible preserves an older form of the curse' (p. 42 n. 21).


[8] Cf my forthcoming article 'Development within the OT Law'.

[9] In many respects Wellhausen's ideas in his Prolegomena were not new; especially with regard to the dating of Deuteronomy and the unreliability of Chronicles. W. M. L. de Wette, Beiträge zur Einleitung in das Alte Testament I-II (Halle: 1806-7) first proposed many of the key arguments. Wellhausen simply ignored the very thorough replies given by conservative scholars to de Wette's views. However there is still much of great value in such early conservative works as: E. W. Hengstenberg, Dissertations on the Genuineness of the Pentateuch (183 1-39 ET Edinburgh, 1847), and C. F. Keil, Apologetischer Versuch über die Bücher der Chronik und über die Integrität des Buches Ezra (Berlin: Oehmigke, 1833).


Secondly, the usual critical contention that Deuteronomy limits all worship to Jerusalem is demonstrably false. May it be the forerunner of a series of fresh studies of the history of Old Testament literature and of religion and Deuteronomy in particular. For it is not just our understanding of history that is affected by our view of Deuteronomy's date, but our view of the inspiration of Scripture, since a late date clearly implies its pseudonymity. However conservatives should not merely be concerned to defend the truth of Scripture. Though that is often a very taxing and difficult intellectual task, it is not the chief purpose of Scripture to teach us about Moses' life history or whatever. Historical Criticism Old Testament. 84 Followers. Papers. My correction of Thiele's at first perfected but by afterthought marred biblical chronology builds upon its foundational part I, correcting the chronology of Sennacherib's first five years, which revealed 702 BC as the true date of more. My correction of Thiele's at first perfected but by afterthought marred biblical chronology builds upon its foundational part I, correcting the chronology of Sennacherib's first five years, which revealed 702 BC as the true date of Sennacherib's invasion of Judah, enabling correction of Dr. Edwin Thiele's error in his widely ac Theological and Homiletical Introduction to the Old Testament, by Johann Peter Lange, translated by Tayler Lewis and A. Gosman. Note especially the article by Gordon J. Wenham, "The Date of Deuteronomy: linch-pin of Old Testament criticism" Part one and Part Two (1985). The Fundamentals. The famous collection of conservative articles published by the Bible Institute of Los Angeles in 1917, in reaction to the advance of modernism in the early twentieth century.