Whose Agony? Whose Ecstasy?

The Politics of Deuteronomic Law

DOUGLAS A. KNIGHT
Vanderbilt University

On the face of it, the text of the Hebrew Bible does little to divulge the political and economic roots of its producers. This circumstance can have an especially significant effect on our estimation and understanding of the theological and ethical affirmations present in the biblical literature. For all the evident differences in the discussions by theologians and ethicists of the Hebrew Bible, certainly the dominant approach since Johann Philipp Gabler's programmatic lecture[1] in 1787 has been historical in nature. Scholars subsequent to him have generally tended to account for differences in perspectives about divinity and humanity in light of the history of the period, the stages or growth in the development of the traditions, or the competing views of various groups or individuals. In short, the theological interpretation of biblical materials is normally conducted with attention to the world in which the recounted events putatively transpired and in which the literature came

---

Author's note: This essay represents a translated and expanded version of "Herrens bud—elitens interesser? Lov, makt, og rettferdighet i Det gamle testamente," *Norsk teologisk Tidsskrift* 97 (1996) 235–45 (used with permission), which was based on a lecture delivered in Oslo, Bergen, and Stavanger, Norway, in November 1995.

1. *Oratio de justo discrimine theologiae biblicae et dogmaticae regundisque recte utriusque finibus* (Altdorf, 1787). Gabler's dominant concern was to separate biblical theology from dogmatic theology by distinguishing the former as a historical discipline and the latter as a didactic or interpretive enterprise. Such a depiction, for all of its influence on the subsequent two centuries of theological discussions, betrays an Enlightenment viewpoint that can hardly be sustained when one considers the interpretive nature of all historical work, on the one hand, and the historicality of every interpreter, on the other. In fact, it is precisely the political and ideological elements that are too often lacking from both sides of the equation.

into being. Considerable effort has, of course, gone into clarifying the character of life in those ancient times.

This interest in history, however, can give the impression of embracing the full range of human experience during biblical times. James Crenshaw was among the earliest of contemporary scholars to appreciate the religious diversity that existed among the people at large, whose point of view could often be at variance with the orthodoxy seemingly enshrined in the biblical literature.[2] To this important observation about the diverse religious perspectives and beliefs of the great masses of ancient Israelites should now be added the need to bring also the various dimensions of the people's political and economic life under the loupe. It is one thing to consider the monarchy, the priesthood, the grand building projects, and the wars; much of our usual history of Israel has tended to focus squarely on such subjects. But it is quite another matter to look for the subtleties of politics, the machinations and maneuverings by individuals and groups, the routine exploitation of the masses, the ideological undercurrents of the texts, and the special interests and driving forces behind the literature. For example, biblical statements about God's concern for the oppressed seem at times to reflect an undifferentiated if not even naïve view of the actual dynamics of oppression: how eagerly is change actually sought? There are profound moral injunctions about the need to alleviate the abysmal situation of the poor and the defenseless; but does not the very presence of such laws and admonitions indicate that victims of the system did in fact exist and were not being adequately aided, despite the moral rhetoric? Our own tendency as interpreters has been to elaborate on and interconnect such pronouncements without substantially subjecting them to political scrutiny. The hermeneutics of suspicion, which has become a crucial tool today for liberation theologians and ethicists of various types, tends to be applied to modern rather than ancient situations. But why should we not suspect the ideological leanings and political-economic motives behind biblical assertions as well?

Theological and ethical treatments of the Hebrew Bible do not routinely predicate their study explicitly on a political-economic reading of the texts. Such discussions rarely ask about the class status of the authors,

2. J. L. Crenshaw, *Prophetic Conflict: Its Effect upon Israelite Religion* (BZAW 124; Berlin: de Gruyter, 1971), especially 23–38.

their political agendas, the power moves, the social factors resulting in the recording and preservation of precisely the given statement rather than something else quite different. Political structures, to the extent that they are addressed, are in fact often projected into the divine sphere and thereby given ultimate and decisive legitimization; examples are the images of God as king, warrior, legislator, judge, and executioner. Could there be a more effective and convenient way of validating the actions of the human kings, warriors, lawmakers, judges, and punishers than to claim that they are acting on God's behalf? The pernicious forms that such presumption takes in our own world should alert us to the possibility of comparable conceit in the biblical literature, and not only by those vilified there but especially by the powerful and privileged who are not criticized.

To inquire into the political and economic moorings of the text, both its parts and the whole, involves putting the question pointedly: Whose text is it? For whom and why was it important to fashion the stories, laws, proverbs, songs, prophetic sayings, and more into their present forms? Who stood to gain? Who had the power to see to the survival of the text? Of course, answering these questions depends on how one understands gain or benefit, and on one level one might argue that the whole people of Israel, together with their successors, benefited from having a national literary heritage and a religious and moral system. But only in an attenuated sense can the whole people be regarded as the producers of the text, so the question perforce must focus more directly on those immediately responsible for the text's production and conservation. We can assume, I believe, several factors operative for these individuals and groups: (1) They were literate or could cause literate persons in the society to compile and write the materials that eventually came to constitute our present text. (2) The producers of the text were knowledgeable of a wide range of the people's traditions and experiences, or they were immensely imaginative in creating a literature of such broad scope. (3) The producers had some standing in the community that enabled them to get these literary materials accepted by the community or at least to ensure preservation of the literature in the face of any initial nonacceptance or even outright opposition. (4) And finally, the social locations of those immediately responsible for the production of the biblical literature corresponded to their intentions for writing; in other words, their compositions were designed to attain

certain goals economic and political in nature, and such ideological characteristics of the text may still be recoverable, at least in part. I do not mean to suggest that these were the only purposes for producing the text—only that the longstanding focus in our discipline on the religious and moral aspects of the text has diverted our attention from some of the real practicalities that were at play during the period of composition and preservation. To the extent that the Hebrew Bible consists of "partisan collections and revisions,"[3] the partiality of its collectors and revisers is just as likely to touch on their vested social interests as on their religious beliefs and ideas.

The political, economic, and social values encoded in the Hebrew Bible are more difficult to decipher than are the religious beliefs, which should not surprise us, since the same situation is likely to pertain in any context, including the modern period. For example, the Deuteronomistic interpretation of the exile as a punishment for centuries of apostasy and injustice is quite transparent in the structure and language of the Deuteronomistic History, whereas it is less obvious whether a group or individual standing behind this historical writing was seeking with it to gain control over the exilic or postexilic community and to benefit thereby from the political and economic power that would result. Such a political agenda in the text is not readily apparent. Except for crass displays of power, such as military actions, most political moves are concealed in order to be effective, with few in the wider public aware of them until the lot improves for certain persons and degenerates for others. The political impulses will be found in the interstices of the text, in the unstated consequences of actions, in the excessively or repeatedly avowed assertions, in the efforts to control behavior and thought. Thus the so-called "plain meaning" of the text may in fact be concealing quite the opposite political and economic import or ideology. To understand the agony and the ecstasy of faith within the Hebrew Bible requires that a hermeneutic of suspicion be consistently applied to the text itself, for in all likelihood individuals and classes reveled and suffered in large part as a result of their differing circumstances, about which the biblical literature on its face gives insufficient information.

3. M. Smith, *Palestinian Parties and Politics That Shaped the Old Testament* (London: SCM, 1971) 11.

Ancient Israel as an Agrarian Society

Before attempting a political-economic reading of some of the biblical laws, we must have an idea of the kind of society that apparently existed in ancient Israel, an imprecise term used commonly to designate the peoples living in the Palestinian region from the Iron Age through the Persian and even the Hellenistic periods.[4] The agrarian state[5] is known to us from many areas and periods throughout the world, from large empires such as the Roman, Byzantine, Ottoman, and Chinese empires to more limited nation-states, such as ancient Israel and Judah. Substantial variation exists among the political structures identified with this model, but they share several characteristics in common, elements evident in Israel from the onset of the kingship and forward. Typical is a pronounced social inequality in power, privileges, and honor, and the centralized state itself functions as the source of this inequality. Kings view the state as their own property to use as they will, and any archives they leave behind tell mainly about them, their wars, and their building projects—and almost nothing about the lives of the common people except insofar as they intersect with the interests of the monarchic government. However, in addition to the royal house there is also a ruling or governing class, a small minority normally less (often much less) than 2% of the whole population, who exercise political and economic power at the national level: high state officials, chief military officers, large landowners, wealthy merchants, priestly leaders, and others to whom the king grants land, offices, or special rights.

The balance of power between these two groups—the king and the royal government on the one hand and the ruling class on the other—can be unstable: each will often attempt to dominate the other and thereby gain the upper hand in controlling the country and its economy. But more importantly, they generally collaborate to hold the populace in

4. See the distinctions highlighted by P. R. Davies, *In Search of "Ancient Israel": A Study in Biblical Origins* (JSOTSup 148; Sheffield: JSOT Press, 1992).

5. A detailed description of agrarian societies is provided by macrosociologist G. Lenski, *Power and Privilege: A Theory of Social Stratification* (Chapel Hill: University of North Carolina Press, 1966, 1984). See also M. Mann, *The Sources of Social Power*, vol. 1: *A History of Power from the Beginning to A.D. 1760* (Cambridge: Cambridge University Press, 1986).

check, both the peasants in the countryside and the artisans and laborers in the cities, in order to extract from them as much of their economic surplus as possible. The result is that typically less than 2% of the total population will receive in excess of 50% of the national income.[6] In addition, there is essentially no class in agrarian states comparable to the independent middle class in modern industrial states. Instead, a small group of specialists enjoys some status and privilege in comparison to the exploited masses: bureaucrats, functionaries, retainers, merchants, and priests. This group, usually only 5–10% of the total population, is dependent on the elite for its income and position, and the elite group uses it to manage the affairs of the government, collect taxes and rents, and generally make life comfortable for the royal house and the governing class. Ultimate power resides securely in that top 1–2%, and all others are largely at their mercy—especially the peasants and crafts-workers who make up the bottom 90% and who can barely survive in the subsistence economy. Additional characteristics of the agrarian society include technological advances, wars and internal conflicts, urban domination of the country, diversity of specialized professions, trade and commerce conducted by a merchant class, and a religious institution intermeshed with the centralized state and often afflicted with internal strife.

On the whole and on the basis of our current knowledge, ancient Israel seems to fit quite well this model of the agrarian society, as long as one makes the necessary adjustments to the pattern in light of the various situations and regions during the monarchic and colonial periods. The first two centuries of the Iron Age, prior to the founding of the monarchy, should be regarded as a variant of the pattern, an agricultural society scattered in small villages over the countryside and lacking a political and economic center. Lenski has suggested that the people living on the land during this period appear to conform well to the sociological model of a frontier society.[7] While this characterization may seem

6. As disproportionate as such figures appear, the situation is actually not much different from the prevailing distribution of wealth in the United States in the 1990s, where the total net worth of the top 1% of the population represents more than 40% of the total private wealth.

7. Lenski's proposal is found in his review (*RelSRev* 6 [1980] 275–78) of N. Gottwald, *The Tribes of Yahweh: A Sociology of the Religion of Liberated Israel, 1250–1050* B.C.E. (Maryknoll, N.Y.: Orbis, 1979). Among others, Israel Finkelstein has argued that, when

too modern, it is certainly correct that international political interests in the highlands were diminished during the Early Iron Age, that the petty kings of the city-states in the lowlands presumably had little interest in areas outside their limited realms, that families could subsist on crops and herding in these marginal regions, that a type of ideology not based on political or economic centralization could develop in such a situation and could acquire quasi-religious dimensions, and that the population could gradually consolidate itself and eventually become ruled along the conventional lines of hierarchy and centralized power. All of these elements are typical characteristics of a frontier society.

However the social model may need to be refined or replaced, viewing ancient Israel as an agrarian society, with the inequalities fundamental to it, has clear implications for our perspectives on the Hebrew Bible. At the most immediate level, it helps us to locate socially those who wrote and preserved the text.[8] While some minimal literacy may have been rather widespread among the Israelites, only a small number would have been fully literate: archivists in the king's court, certain priests, perhaps some merchants, and the like. In terms of the categories mentioned above, these people belonged largely to the privileged group directly under the king and the governing elite, and the ruling groups called the piper's tune. Thus, unless they wrote surreptitiously or deceptively, their texts must have satisfied the interests of the rich and powerful, for whose pleasure they served. At the same time, and here the picture becomes complex, the text as it was being developed had to resonate in some

viewed over the long term of the previous two millennia, there is strong archaeological evidence for a cyclic process of sedentarization and nomadization of indigenous groups in this region in light of fluctuating social, political, and economic circumstances; thus the development of the frontier in Iron I, while distinctive in certain respects, is also parallel to the settlement of the region in the Chalcolithic and Early Bronze I period and again in the Middle Bronze II–III period. See Finkelstein, "The Great Transformation: The 'Conquest' of the Highlands Frontiers and the Rise of the Territorial States," in *The Archaeology of Society in the Holy Land* (ed. T. E. Levy; New York: Facts on File, 1995) 349–62. See also R. B. Coote and K. W. Whitelam, *The Emergence of Early Israel in Historical Perspective* (SWBA 5; Sheffield: Almond, 1987), especially 27–80.

8. S. Niditch, *Ancient Israelite Literature: Oral World and Written Word* (LAI; Louisville: Westminster John Knox, 1996); and P. R. Davies, *Scribes and Schools: The Canonization of the Hebrew Scriptures* (LAI; Louisville: Westminster John Knox, 1998).

manner with the sentiments of the masses if it was to be acceptable to them. Of course it is conceivable that the producers and preservers of the text had little or no interest in having the masses approve of the literature that eventually came to be included in the Hebrew Bible. But to the extent that such literature was to serve the purposes of the powerful in extracting surpluses from the general populace, it had to have some appeal for the latter group. It would thus appear that the biblical text represents a mixture of values, both power oriented and populist. To separate the one from the other is basic to ideological criticism and political exegesis.

Law and Power

Where do laws fit into this picture? Do the biblical laws derive from the masses, from the king or governing class, or from privileged groups such as the priests or scribes? A substantial number of laws articulate principles of justice for the oppressed, and one's first impression could be that human rights and high moral values underlie these ordinances. Can this be the case?

As a first step, it is important to distinguish between two entities that should not be equated or confused: *Israelite* laws on the one hand and *biblical* laws on the other. Israelite laws belong to the actual legal systems operating in the Israelite society, either at the level of the centralized state or within the more immediate communities of the people. They are the laws that actually existed in order to affect behavior in that society according to enforceable controls and to help the judicial system decide a case involving crimes and conflicts between parties. Biblical laws, in contrast, are literature. They probably include some of the Israelite laws—that is, the "living" laws—but any number of laws (quite plausibly the vast majority) existing in that society during some part of its long history or within the diverse regions and villages of the country were not incorporated in the Hebrew Bible. For this reason, neither the term *code* nor the term *collection* applies appropriately to the biblical laws: neither were they issued by the king or some other legislative body to serve as the legal basis for the society, nor were they assembled by means of gathering into one place the disparate laws of the culture. Rather, the biblical laws came into existence through literary activity, and they

should be viewed as literature—with, in principle, neither more nor less connection to "real life" in Israel than may be true for other parts of the Hebrew Bible.

What factors influenced the inclusion of certain laws, the exclusion of others, and the composition of the whole into its present form? While the latter part of the question would require a lengthy discussion, we can at least make some progress here on the first two. For the answers should not come as a complete surprise to us if we are at all realistic both about typical legislative activity in modern societies and about the political and economic aspects of literary production: Precisely those laws and traditions were included that in some way corresponded to the strategies and self-interests of those who drafted and compiled them. This principle underlies the modern field of legal theory known as Critical Legal Studies—that all law is politics. While many of the biblical laws articulate exemplary moral principles, indeed some of the most humane norms known to us, we should nonetheless also be prepared to suspect the motives behind their compilation. For the groups in ancient Israel who would have had the training, the opportunity, the funding, and the means for preserving such legal literature must certainly have belonged to the scribal class or the priests. In both cases, according to the model of the agrarian state, these groups owed their status and privileges to the central state and the governing elite, even if they might have been able to identify to an extent with the vulnerability of the masses. The composition of laws into literature would thus have served the ends of those who possessed or sought power.[9]

With the demise of first the Northern Kingdom in 722 B.C.E. and then the Southern monarchy in 587 B.C.E. and the subsequent establishment of a colonial government in the Judean province, power relations underwent a shift that changed the face of society and religion. Whereas previously there had been a fragile balance of power between the king and the governing class, now in the Babylonian and Persian periods power relations became realigned as diverse religious and political factions competed for the upper hand and as various individuals, probably

9. Power relations in ancient Israel are discussed in my "Political Rights and Powers in Monarchic Israel," *Semeia* 66 (*Ethics and Politics in the Hebrew Bible*; 1994) 93–117.

many of the descendants of the old wealthy elite, sought to regain the property and prestige enjoyed by the upper class prior to the Babylonian and Persian reorganization of the country.[10] To legitimate such a shift it was necessary to transform force into authority and might into right.[11] Or to use the metaphor of the great Italian sociologist Vilfredo Pareto, "the lions" of the old order became "the foxes" of the new.[12] This new kind of elite in the postexilic period was driven as much by self-interest and partisanship as was the governing class during the monarchic period, but the new elite, like the fox, had to operate with more cunning than had previously been necessary, when power and force were centralized in the monarchy, not the least because acceptable relations had to be negotiated with the imperial government. Members or associates of the new priestly establishment, presumably backed by the new elite, found it advantageous to compose or edit Israel's legal traditions in a manner that would promote the interests of their new supporters. But inasmuch as law exists ostensibly to further social order and justice, it would have seemed opportune for the legal literature to give the appearance of affirming the old communitarian principles of justice, even though at the same time the laws were formulated in a way that would favor the special interests of the new elite as well as those of the occupants of the institutionalized positions of the priests. The social values of the many thus became manipulated to the benefit of the few.

10. An early discussion of postexilic factions is present in Smith, *Palestinian Parties*, and several more recent studies of the ideology of texts from this period have taken up the question of power maneuvers by the elite in connection with the people's return to the land. See, for example, N. K. Gottwald, "Social Class and Ideology in Isaiah 40–55: An Eagletonian Reading," *Semeia* 59 (*Ideological Criticism of Biblical Texts*; 1992) 43–57; and R. P. Carroll, "The Myth of the Empty Land," *Semeia* 59 (1992) 79–93. Further discussion of local elites within the Persian Empire is available in P. Briant, *Histoire de l'empire perse de Cyrus à Alexandre* (Paris: Fayard, 1996) 53–59 and passim; in English translation, *From Cyrus to Alexander: A History of the Persian Empire* (Winona Lake, Ind.: Eisenbrauns, forthcoming); J. L. Berquist, *Judaism in Persia's Shadow: A Social and Historical Approach* (Minneapolis: Fortress, 1995) 131ff.; and L. L. Grabbe, *Judaism from Cyrus to Hadrian*, vol. 1: *The Persian and Greek Periods* (Minneapolis: Fortress, 1992) 103–19 and passim.

11. Lenski, *Power and Privilege*, 52.

12. V. Pareto, *The Mind and Society*, vol. 4: *The General Form of Society* (New York: Harcourt, Brace, 1935; trans. of *Trattato di sociologia generale*, 1916) §2178.

Leadership

Three types of examples will be taken from the book of Deuteronomy to demonstrate this hermeneutic of suspicion, questioning the intentions behind the laws in their present form by examining the political and economic benefit accruing to the laws' compilers and other powerful groups following a major political change. Traditional biblical scholarship has for some time now argued that the laws of Deuteronomy 12–26 were recorded during the seventh century B.C.E. by descendants of Northern Israel, now living in the South, who compiled them in order to preserve the Northern heritage and perhaps also to exert a reforming influence on Southern society. In my view, the stimulus for writing these laws is better explained as a power move, either by certain groups following the Assyrian decline and the nationalistic rebirth of Judean autonomy under Josiah, or (and this is more likely) by a new elite seeking political and economic advantage in the exilic or postexilic period.[13]

(1) The Deuteronomic laws dealing, first, with *secular leadership* demonstrate the authority structure desired by the laws' compilers and the new elite. It is reasonable to assume that the masses during the monarchy would have had little reason to develop social norms or laws about centralized leadership, except in a more negative sense: how to show sufficient respect and compliance to national leaders to keep at a minimum their interference in the lives and livelihood of the peasants. In contrast, the Deuteronomic laws in their present form legitimize a centralized and hierarchical political structure. Moses is lionized as God's law-giver and mediator, thus as the people's unquestioned head whom one opposes at great peril. The monarchy is explicitly authorized in the well-known "law of the king" in Deut 17:14–20, and the limitations included there may well reflect popular sentiment: that the king should not acquire too many horses, should not send the people to Egypt for his own benefit, should not marry many wives, should not collect great

13. See my "Deuteronomy and the Deuteronomists," in *Old Testament Interpretation: Past, Present, and Future—Essays in Honor of Gene M. Tucker* (ed. J. L. Mays, D. L. Petersen, and K. H. Richards; Nashville: Abingdon, 1995) 61–79.

quantities of gold and silver. It should be noted, however, that such restraints, which hardly carry constitutional weight, serve the interests not only of the masses but also of the nonroyal elites. As previously indicated, it is imperative in the structure of the agrarian state that the king's power not become absolute but that the governing class share the power and prestige in the political and economic spheres. This "law of the king" represents, in my view, a prime example of how the new elite, after Judah's social and political upheaval, could rewrite popular values into a generalized system of justice that might gain maximum public support even though the special interests of the elite were thereby surreptitiously favored.

The same could be said of the system of judicial appeals, which in effect seeks to shift absolute authority to the central courts. Deut 17:8–13 ordains the proper process for cases involving conflicting types of violence or other controversies that have been appealed because the local judges found them too difficult to resolve: The parties are to approach the central priests and the state's judges who sit in "the place that YHWH your God will choose"—that is, Jerusalem—and who will adjudicate the matter. The text concludes: "and all the people shall hear and be afraid and shall never again act rebelliously" (17:13). Everyone in the country, in other words, is subordinated to the supreme courts in the capital city. The legendary tale of Solomon in 1 Kgs 3:16–28 reinforces the centralization of justice: Inasmuch as Solomon was wise enough to settle the complicated conflict between two women, each of whom claimed that the living child was hers, so should all Israel stand in awe of Solomon because he possesses God's wisdom (3:28)—and implicitly: the Israelites are to submit to all succeeding kings and state judges.

Deuteronomic law presents, in a word, a structure of order and authority that is cephalous and centripetal in character, hierarchically and centrally organized. A theology of obedience reinforces this structure. As William Moran perceived decades ago, when "love" is "commanded" in Deuteronomy, it is no emotional sentiment or pious attitude that is held in view but rather an allegiance translatable into patterns of behavior, just as a Near Eastern sovereign commanded loyalty of subjects and vassels in the empire. Somewhat similarly, Niels Peter Lemche has recently argued that a patron/client system existed on a widespread basis in Israel

and is reflected in the word *ḥesed*, the covenant loyalty that could be required of clients, or by God of worshipers.[14] In both conceptions, obedience to those in authority is expected, which in Deuteronomy is projected as a divinely ordained response and is reinforced with blessings and curses (Deuteronomy 27–28). Those in economic or political power would have found such a system eminently convenient and profitable.

(2) The Deuteronomic laws dealing with priests, Levites, and the cult achieved a similar end, although with notable differences.[15] While it seems unlikely that the general populace of Israel and Judah would have voluntarily sought out a centralized, hierarchical political and economic system, they certainly developed religious practices and beliefs of their own. Both the archaeological record and the biblical traditions indicate a remarkable religious pluralism throughout the monarchic period and beyond. Popular piety responded to multiple influences and the efficacy of specific acts that appeared to protect life, bring rain, or increase fertility. Is it credible to suppose that the people would have voluntarily abandoned their pious practices and moved all cultic activity to the Temple in Jerusalem? Inaugurating a decisive shift, Deuteronomy presents laws that sought to stamp out the local cults and their priests by ordering the centralization of all cultic activity in "the place that YHWH your God will choose" (for example, 12:5), again undoubtedly Jerusalem. To the extent that this policy was successful, it represented an inordinate focalization of control and power in the hands of the Jerusalem priesthood. If attempted during Josiah's reign as described in 1 Kings 22–23, centralization also suited ideally the political and fiscal reforms of the new government. Beyond this effort to eradicate competing cultic sites, the laws targeted the pluralism of religious belief as well, condemning everything

14. W. L. Moran, "The Ancient Near Eastern Background of the Love of God in Deuteronomy," *CBQ* 25 (1963) 77–87; N. P. Lemche, "Kings and Clients: On Loyalty between the Ruler and the Ruled in Ancient 'Israel,' " *Semeia* 66 (*Ethics and Politics in the Hebrew Bible*; 1994) 119–32.

15. See the sociohistorical description of the Israelite priesthood in J. Blenkinsopp, *Sage, Priest, Prophet: Religious and Intellectual Leadership in Ancient Israel* (LAI; Louisville: Westminster John Knox, 1995); and L. L. Grabbe, *Priests, Prophets, Diviners, Sages: A Socio-Historical Study of Religious Specialists in Ancient Israel* (Valley Forge, Penn.: Trinity, 1995).

other than Yahwistic religion as apostasy, stipulating unequivocally what causes defilement (Deut 14:3–21; 23:11–12[10–11]), and even excluding certain types of persons from participation in the cult (23:2–4[1–3]). In all, the laws as compiled tapped the wellspring of popular piety—but also took advantage of it for the benefit of the Jerusalemite priesthood as well as others at the center of power. Actually, however, it may be that we can also perceive in these cultic regulations some division between the priests on the one hand and the new elites on the other. The priests and Levites are due certain perquisites, tithes (14:22–29; 26:12–13), and sacrifices (18:1–8), described in 18:3 with the legal phrase *mišpaṭ hakkōhănîm*, the priests' rightful claim to a portion of the sacrifices brought by the people. Such a provision argues strongly in favor of identifying the priests or others close to them as the compilers of the laws. They as an institution stood especially to gain.

Justice

(3) We will conclude our examples with the laws that would seem most to disprove my thesis concerning the dominant political and economic interests reflected in the Deuteronomic laws. The *laws of release* belong among the most memorable and potentially most reforming of the biblical traditions in social ethics. The forgiveness of debts and the manumission of slaves every seven years represent nothing less than radical moves toward the redistribution of wealth within the society, which the laws in Leviticus 25 extend even further by prescribing the return of families to inherited land that they were forced through financial exigency to sell. The Deuteronomic collection contains further miscellaneous injunctions to help the needy: leaving the harvest gleanings for the widows, orphans, and strangers (Deut 24:19–22); contributing a tithe every third year for Levites, widows, orphans, and strangers (14:28–29); not charging interest on loans to fellow Israelites (23:20–21[19–20]); dealing considerately with certain items given in pledge for loans (24:6, 10–13, 17b); and paying poor laborers their wages daily (24:14–15). To my mind, such provisions would not have been volunteered by profiteers. Rather, they point to a communitarian context in which a genuine concern for the plight of the vulnerable, especially in the face of a widening gap between the haves and the have-nots, was translated into some provisions for relief, however slight. We can also assume that the very

presence of a law would normally imply a real problem or conflict at that point in Israelite society: that Israelites *were* charging interest on loans to other Israelites, that poor laborers could *not* count on receiving their wages daily, that indebtedness and slavery *could* easily become a permanent condition for an individual. The prophets themselves confirm the abysmal economic situation in which many people lived.

But why are such protections and reforms included in the Deuteronomic collection? We can perhaps find a clue in the fact that there is pitifully little evidence in pre- or postexilic Israel for the global release of debts, slaves, or inherited lands. Furthermore, these laws of protection have no teeth, no provisions for enforcement and no remedies for violations—only moral appeals with the promise of divine blessing or punishment. Is it too cynical of us to wonder whether the Deuteronomic compilers and the new elite of the period after the exile might in fact have incorporated these so-called "humanitarian laws" deliberately and with calculated intent—namely, to deceive the masses into thinking that the new order after the Babylonian conquest was going to be based on the kind of justice and morality the poor and disempowered longed for? If the populace could be brought to support the new order, institutions such as the priesthood could be legitimized, and power and wealth could move into the hands of the new elite. The cunning of foxes is not to be underestimated.

Conclusion

I conclude with six brief thesis statements.

1. Law is not simply what the legislators enact or the courts decide. All law has a political edge.
2. The laws recorded in the Hebrew Bible are more literature than they are laws. As literary texts they were produced by persons or groups, probably in conjunction with significant social and political transition points, and they provided an ideal opportunity for groups and institutions to secure popular backing by appealing in clever and calculated ways to the needs and traditions of the general populace.
3. Much effort has already been spent on the theology and ethics of Deuteronomic and other laws, and it is now important for us to inquire also into the political and economic import of these laws.

To this end, the leading questions are: Whose laws are these? Who stands to gain from them? It lies in the very character of political texts not to be forthcoming on these points.

4. Popular values are reflected in certain laws, such as some of those contained in the Deuteronomic collection. But it should come as no surprise to us that these values were appropriated and reused to quite different ends by the compilers—in other words, that the popular values are now reflected in a mirror that has been considerably clouded by special interests.
5. By the same token, of course, we must be cautious not to assume that the pre-Deuteronomic laws and social norms, the popular values, were themselves free of political and economic self-interests. Oppressive and exploitative structures can exist on all levels of society, and the tiny, isolated village eking out an existence in the Israelite hinterland was no haven of equality or of the fair distribution of power and resources.
6. This political and ideological reading of the biblical laws can, however, be instructive to us. Negatively, it helps us to perceive the unfair and unfortunate effects of self-interest. Positively, it enables us to identify those moral values that derive from contexts in which they were genuinely intended to assist persons in need, values that can still be affirmed today in the effort to establish a just world.